

# **PUBLIC COMMENTS RECEIVED, ACHP PRESERVATION50 POLICY RECOMMENDATIONS**

**JUNE 2016**

## **National Non-Governmental Organizations and Coalitions**

### Alliance for Historic Landscape Preservation

I want to applaud the ACHP on their push to get more guidance and conduct more training on cultural landscapes, in all their variety. I would like to see cultural landscapes continue to be at the forefront of discussions and policies.

Thank you,  
Carrie Gregory

President  
Alliance for Historic Landscape Preservation: Conserving Cultural Landscapes  
and  
Historic Preservation practitioner

**Carrie J. Gregory, M.A., RPA** | Sr. Historic Preservation Project Director / Director of Albuquerque and El Paso  
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### American Society of Landscape Architects

June 10, 2016

John Fowler  
Executive Director  
The Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001

Dear Mr. Fowler:

The American Society of Landscape Architects (ASLA) appreciates the opportunity to respond to the Advisory Council on Historic Preservation's request for policy recommendations and implementation strategies to shape the future of the national historic preservation program. Since passage of the 1966 National Historic Preservation Act, historic preservation has grown beyond protecting a single building or urban district to include the historic landscape that provides the setting and context for a property as well as much larger landscapes that have regional and national significance. In response to the growing interest in the historic preservation and documentation of landscapes, in October 2000 the American Society of Landscape Architects (ASLA) and the National Park Service (NPS) created the Historic American Landscapes Survey (HALS) program. The HALS program documents historic landscapes in the United States and its territories to serve as tangible evidence of our nation's heritage and development.

In 2001, ASLA, the NPS, and the Library of Congress entered into a memorandum of understanding that established a framework of cooperation, and in 2010, the three organizations signed a new tripartite

agreement that made HALS a permanent federal program. The NPS administers the planning and operation of HALS, standardizes formats and develops guidelines for recording landscapes, and catalogs and/or publishes the information when appropriate. ASLA provides professional guidance and technical advice for the program through its Historic Preservation Professional Practice Network, and the Library of Congress accepts and preserves HALS documents and makes records available to the public.

Historic landscapes vary in size from small gardens to several-thousand-acre national parks. In character they range from designed to vernacular, rural to urban, and agricultural to industrial spaces. Estate gardens, cemeteries, farms, quarries, nuclear test sites, suburbs, and abandoned settlements all may be considered historic landscapes. Like its sister programs, the Historic American Buildings Survey (HABS) and the Historic American Engineering Record (HAER), HALS produces written and graphic records of interest to educators, land managers, and preservation planners, as well as the general public.

The HABS/HAER/HALS collection constitutes the nation's largest archive of historic architectural, engineering, and landscape documentation. To strengthen and generate even greater successes during the next 50 years of the national preservation program, ASLA recommends the NPS implement the following:

- Administer the mitigation documentation requirements in Sections 110 and 106 of the National Historic Preservation Act and in doing so, utilize the methods set forth in the HALS Standards and Guidelines. Implementing these actions will meet the letter of the tripartite agreement establishing HALS as a partnership among the ASLA, the National Park Service, and the Library of Congress.
- Finalize the Secretary of the Interior's Professional Qualifications Standards for Historical Landscape Architects and the other associated disciplines so that individuals may be qualified to apply for work in the field.
- Create a distinct National Register (NR) and National Historic Landmark (NHL) nomination format for cultural landscapes. The current NR and NHL nomination formats create confusion for states evaluating nominations for landscapes, particularly in how to count resources and fully document contributing features and aspects of significant landscapes.
- Develop and hire additional qualified professionals to undertake recording projects within the HALS and all heritage documentation programs and to adequately respond to the increasing interest in the preservation of historic landscapes.
- Address intangible and broad scale resources that are not readily evaluated using current standards in the Indian tribes and Native Hawaiian organizations formal participation process.

To discuss further, please feel free to contact ASLA staff Roxanne Blackwell, Director of Federal Government Affairs ([rblackwell@asla.org](mailto:rblackwell@asla.org)), or Elizabeth Hebron, Director of State Government Affairs ([ehebron@asla.org](mailto:ehebron@asla.org)).

Respectfully,



Nancy C. Somerville, Hon. ASLA  
Executive Vice President/CEO

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## The Next 100 Coalition

To: The Advisory Council on Historic Preservation (ACHP)  
From: The Next 100 Coalition  
Date: June 10, 2016  
Re: Improving the National Historic Preservation Program

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# **Fostering an Inclusive Approach to Historic Preservation**

## **Who we are?**

“The Next 100 Coalition” is a first-of-its-kind coalition of civil rights, environmental justice, conservation and community leaders from across the country who have created a vision statement for the next 100 years of our national parks and public lands, and a policy document with specific recommendations for making an inclusive new vision of conservation a reality, including policies and ideas set out below on protecting our cultural and historical heritage.

## **Introduction**

In 2016, we celebrate the Centennial of the National Park Service. This is an opportunity to reflect on our nation’s conservation legacy – and coalesce around a new vision for the next century.

Conservation of America’s public lands and waters, including our national parks, forests, monuments, historic sites, wildlife refuges, and recreational areas should be driven over the next 100 years by three guiding principles: 1) every child will have the opportunity to discover his or her *own* history and heritage; 2) federal land agencies will demonstrate engagement that is respectful and inclusive of different cultures via outreach, stewardship and interpretation; and 3) a responsibility to actively engage *all* people.

In this policy brief, we have identified areas of focus, and actions under each, which we encourage federal land management agencies to adopt to ensure a more inclusive approach to the conservation of our shared natural and cultural heritage.

## **Historical, Cultural, Sacred, and Spiritual Heritage**

Our vision for a more inclusive approach to public lands over the next 100 years includes a commitment to honoring the many cultures reflected in America today. We ask the Administration to take steps to connect diverse communities, especially young people, more directly to the preservation and interpretation of their unique heritage and stories.

### **To demonstrate this commitment, we ask the ACHP to consider the following recommendations:**

- Support permanent and full federal funding for the Historic Preservation Fund to enable federal land management agencies to work with partners and local communities to assess our existing system of national parks and other public lands and waters for missing or incomplete storytelling. Efforts should focus on identifying aspects of the American story that are absent or are inadequately or inaccurately addressed so that the system reflects the broader, more complex stories of our collective heritage as a nation of many cultures and experiences.
- The Park Service should complete the update of National Register Bulletin 38, “Guidelines for Evaluating and Documenting Traditional Cultural Properties,” a guidance document that

incorporates the cultural values of Indian tribes and other traditional communities into the federal National Historic Preservation program.

**Additional opportunities for action include:**

- Support federal funding for National Heritage Areas at levels sufficient to achieve community engagement and preservation goals. National Heritage Areas provide critical opportunities to connect communities to their local history, preserve landscapes, attract new economic activity, and tell compelling stories that reflect our culturally diverse nation.
- Authorize direct federal Historic Preservation Fund matching grants for survey, planning, restoration, and rehabilitation of significant historic places in National Heritage Areas.
- Launch a Master Interpretive Plans pilot project, working with other public and private partners to demonstrate how outreach and educational messaging around a single theme can be coordinated across different agencies, sites and public lands.
- Develop experiential and educational programs and identify strategies for inviting diverse cultural community groups, including relevant Indian tribes, to help protect, and interpret for the public, culturally and historically significant resources on public lands.
- Identify and proactively assist local communities in efforts to conserve their natural and historic community assets and landscapes through the use of the National Historic Preservation program, engagement of State Historic Preservation Officers and Tribal Historic Preservation Officers, tax credits, River, Trail, and Conservation assistance programs, Wild and Scenic Rivers, and national landmarks, trails, and heritage areas.
- Explore innovative uses of preservation easements, or leasing of historic structures, that may offer communities more flexible management opportunities than more traditional models.
- Audit preservation programs and existing resources across land management agencies to determine opportunities to leverage joint funding & partnerships.
- Because the process of making nominations to the National Register of Historic Places can be challenging to the uninitiated, provide cross-culturally trained coordinators to educate and assist communities in protecting and preserving locally-significant places. Formalize ways to educate communities about how they can meaningfully engage in the national register process.
- Review names of sites throughout system for cultural bias. Some sites may require comprehensive name changes to reflect a broader and more inclusive history.

**In particular, to honor American Indian Tribal, Alaska Native, and Native Hawaiian heritage (in addition to the items listed above):**

- Draw upon “Traditional Ecological Knowledge” – Indian knowledge, traditions, values, and attitudes toward the Earth – as guidance for how federal land managers might interpret natural and cultural resources on public lands for the public.
- Enlist tribes in the interpretation or protection of key tribal resources in national parks and other public lands, and use Native stories and languages in interpretation where appropriate. Ensure consultation on all appropriate activities.
- Cooperate with and provide assistance to tribes in developing and operating tribal park systems and tribal programs to preserve natural and cultural resources and in other endeavors that are part of the National Park Idea.
- Launch new initiatives to recruit and hire tribal youth in public lands agencies, especially for positions that leverage cultural understanding.
- Establish a Branch of Tribal and Native Peoples Relations within the Department of the Interior Solicitor’s Division of Conservation and Wildlife with the goal of removing unnecessary barriers in tribal relations.

## Access to Public Lands

There are many issues that inhibit people from visiting and using our public lands and waters today, including geographic proximity, economic challenges, and cultural barriers. On the cultural front, African-Americans have felt unwelcome and even fearful in federal parklands during our nation's history because of the horrors of lynching, Jim Crow laws, and other forms of racial segregation.

Japanese Americans were incarcerated in concentration camps, many of which were on public lands managed by the Bureau of Reclamation.

Hispanics have also experienced segregation and their 500-year connection to rivers and lands now within the United States is not widely recognized. In addition, the recent anti-immigrant sentiment has negatively impacted Latino's access to public lands.

Many of our national parks and other public lands are within the ancestral homelands of Indian tribes, and tribal members continue to value the natural resources and sacred places within these places as important for their cultural identity. This applies to tribes that were forced to leave their homelands as well as to those who now inhabit reservations in a portion of their ancestral territory close to parks.

We need to acknowledge and atone for this history – and together, move forward.

Additionally, our land management agencies are struggling to effectively communicate the value of our public lands and waters to today's increasingly digitally-dependent youth. We need to acknowledge this disconnection and find ways to make our public lands relevant to young people, and a next generation of stewards.

Our vision for a more inclusive approach to public lands conservation over the next 100 years includes a commitment to engaging *all* the segments of our country's population so they become active users and vital advocates in protecting our public lands and waters for the future.

### **To demonstrate this commitment, we ask the ACHP to consider the following recommendations:**

- Order a review of federal programs designed to reach culturally-diverse communities with a goal of identifying and outlining the steps necessary to increase participation from those communities and to improve access to public lands and waters for those constituencies.
- Create Memorandums of Understanding (MOUs) between relevant land management agencies and private partners to implement the findings from the aforementioned review. Identify and develop appropriate strategies to address concerns, and create communication channels to support those efforts.
- Establish new outreach, interpretation and education positions inside land management agencies at all federal hiring grade levels, with diverse backgrounds, to start developing and implementing park interpretation and education innovations.
- Provide free annual federal recreation passes to all members of federally recognized tribes.
- Assess the cultural implications of existing agency uniforms, offices, signage, and other facilities. For example, the Park Service law-enforcement vehicles look like those used by U.S. Citizenship and Immigration Services, and uniforms have law enforcement connotations, both of which present a significant impediment to engaging all Americans.
- Identify public or private partners who can train land management agency representatives to be aware of triggers for PTSD and other traumas to ensure public interactions and events do not

intentionally and negatively affect veterans, youth, and others.

- Identify strategies to partner with faith groups and local organizations to facilitate events and outreach efforts that leverage parks and other public lands as a forum for critical conversations and atonement – allowing for community restoration and reconnection in a meaningful way.
- Ensure appropriate access to public lands facilities and experiences are compliant with the Americans with Disabilities Act and welcoming to people of all abilities.

## **Landscape-Scale Conservation**

Our vision for a more inclusive approach to national parks and other public lands and waters over the next 100 years includes a commitment from agencies to identify and designate new park sites and conserve our public lands and waters in a manner that reflects and respects a variety of cultures and histories, as well as ways of caring for the land. Protecting cultural and natural landscapes that tell America's complex history will help us learn from our past, honor our ancestors, and educate future generations.

### **To demonstrate this commitment, we ask the ACHP to consider the following recommendations:**

- Direct the Secretary of the Interior to review the DOI strategy on landscape-scale conservation, in consultation with tribes, to more fully encompass cultural landscapes and to acknowledge the need to design conservation and climate change mitigation programs that protect habitats, ecosystems, and natural processes that also recognize peoples' histories, livelihoods, and beliefs.
- Build on President Obama's legacy of protecting critical natural and cultural landscapes by using the Antiquities Act to protect vulnerable landscapes that are important to all Americans by January 2017, including Bears Ears; Gold Butte; Stonewall; Castner Range; Freedom Riders Park; and the Greater Grand Canyon Heritage area.
- Leverage Master Leasing Plans (MLPs) and other cooperative planning opportunities to protect landscapes with cultural, spiritual, and historical significance. Specifically, finalize the Moab MLP and use that opportunity to set the stage for additional planning efforts to address oil and gas conflicts around national parks, protect critical cultural and natural landscapes and allow local communities to be an active part of the process. Commit to doing MLPs for the important cultural landscapes surrounding Mesa Verde National Park, Colorado, and Chaco Cultural National Historical Park, New Mexico.
- Identify and study potential public lands or waterways that might be suitable for conservation as part of cooperative recreational programs such as the National Wild and Scenic Rivers and the National Scenic and Historic Trails system. Specifically, identify opportunities to recognize the history of Asian Pacific Islanders, women, and LGBT Americans as well as additional Hispanic, Native American, and African-American heritage under both programs.
- Conduct studies of the natural and cultural importance of existing public lands. For example, the Bureau of Land Management (BLM) can partner with tribes to launch a study of culturally-significant resources on public lands that may be important for consideration in future energy development, recreation and conservation decisions.
- Engage new and existing partners to enlist young people in the process of conducting natural and cultural research on public lands. A reinvigorated Student Conservation Corps for instance, might conduct social science, biology, and archeological research, going back more than 100 years, in coordination with local universities or land management agencies.

## Stakeholder Engagement

Our parks and other public lands and waters play a unique role in capturing the many different historical and cultural stories that have shaped this country; in celebrating acts of bravery and sacrifice; and in providing opportunities for atonement and healing. Moving forward, land management agencies must be committed to actively and authentically engaging culturally diverse communities in new and meaningful ways to shape the direction of conservation and public land policies for the future.

**To demonstrate this commitment, we ask the ACHP to consider the following recommendations:**

- Launch a new initiative with a partner independent of the federal government (such as with a university) to identify and recommend strategies and programs that engage the needs of an increasingly diverse American population. Specifically, to build and sustain public support for the public lands system, it is important for our federal land management agencies and personnel to understand how culturally diverse communities now use and relate to national parks and other public lands.
  - Streamline the process for establishing cooperative agreements and create an easier, consistent, accessible, and transparent process for engaging formal partners including small community and grassroots organizations.
  - Support federal funding for, and establish in every local land management office, a “Navigator” (similar to that mandated under the Affordable Care Act) or “community liaison” role within land management agencies to establish and strengthen connections with culturally diverse communities and get out into neighborhoods to connect the lands/sites to the communities. This person in a “navigator” role can empower community groups to successfully navigate public input and land planning processes.
  - Provide grant funding to support participation from local and grassroots organizations to assist federal land management agencies with engaging culturally diverse communities.
  - Engage local schools – a natural place where communities convene – to bridge the gap between local community and federal agencies. Many schools are also community centers and provide an environment that is accessible and inclusive.
  - Develop relationships with local community organizations, NGO’s, non-profits and foundations to support education, outreach, hiring, and other initiatives.
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Society for Historical Archaeology and American Cultural Resources Association

## **THE NATIONAL HISTORIC PRESERVATION PROGRAM AT 50: CHALLENGES, OPPORTUNITIES AND PRIORITIES**

RE: National Preservation Program Improvements

The American Cultural Resources Association (ACRA) and the Society for Historical Archaeology (SHA) jointly appreciate the opportunity to comment on the proposed National Preservation Program Improvements.

ACRA is the trade association representing the interests of cultural resource management (CRM) firms of all sizes, types and specialties. ACRA member firms undertake much of the legally mandated cultural resource management studies and investigations in the United States. Approximately 1,300 CRM firms nationwide employ over 10,000 cultural resource management professionals, including archaeologists, architectural historians, historians, and an increasingly diverse group of other specialists.

With more than 2,300 members, the SHA is the largest organization in the world dedicated to the archaeological study of the modern world and the third largest anthropological organization in the United States. Members come from a dozen countries, and most are professional archaeologists who teach, work in museums or consulting firms, or have government posts. The SHA and its members strongly support the protection of cultural and historical resources and sites around the nation.

### **Continuing Challenges and Priorities for the Preservation Program**

*Developing public and political support.* We believe there should be a “business case”, or clear, articulated, and tailored argument for each identified constituency to promote engagement with historic preservation. These constituencies should be studied and targeted for three specific reasons. First, different constituencies have different goals, and these goals can have common threads but involve disparate needs and avenues of communication. Second, a targeted approach would allow preservation organizations to streamline and focus outreach efforts, maximizing the ability to connect with existing, potential, and altogether new participants. Third, by providing groups with a framework that identifies their own needs coupled with realistic pathways for developing support, the constituents themselves can more easily drive political and economic action. Such a “business case” should include the economic benefits of historic preservation, which are considerable, especially for historic rehabilitation tax credit programs. Other important business cases for historic preservation and preservation planning lie in different areas – the environmentalism of adaptive reuse; the improved predictability provided by surveying and proactive mitigation; the preservation of cultural values; the development of a more complete and inclusive historical narrative; and the creation of positive community relations and a social license to operate for businesses. All of these preservation arguments should be tailored to their intended audience and used to develop greater understanding of historic preservation among a broad range of constituents.

We identify the following as important constituencies in the preservation community that will benefit from a business case approach:

- ☐ Congress
- ☐ Federal agencies
- ☐ Tribes
- ☐ State governments
- ☐ Local governments
- ☐ K-12 educators and writers of educational policy
- ☐ Industries
- ☐ Trade and Workers’ Associations
- ☐ Members of the public, specifically:
  - o Small business owners
  - o Community organizations
  - o Local and regional political associations

Preservation organizations should work with these constituencies to promote the continuance of our nation’s historic preservation programs, and to secure improved funding and support from key decision makers.

*Obtaining adequate and sustainable financial support.* It is important to tap into the support of the above-named constituencies in demanding full, permanent funding of the Historic Preservation Fund. Consistent, focused advocacy for funding the HPF would allow more secure and predictable sources of financial support for preservation. In addition, we stress that historic preservation tax credits are a simple, viable, and critical part of preservation initiatives. Historic preservation tax credits are an incentive, not a burden, and the demonstrated economic benefit of these programs has far exceeded the actual value of the



credit by revitalizing communities and promoting engagement by major investors. The HPF and historic preservation tax credits represent two major pillars that sustain overall preservation initiatives, and together frame a coherent platform for mobilizing funding. The ACHP should take a renewed lead in making the case for full, permanent funding of the HPF and develop a coalition of NGOs to unify advocacy for this issue.

A critical, unrealized opportunity to secure support lies with trade associations and other “repeat player” constituents that frequently interact with the review and compliance process. Proactive, amicable relationships with developers, planners, and contractors that engage with historic preservation professionals would be tremendously beneficial in modifying current perceptions of preservationists as obstructionist and anti-business. Working together, a case can be made that increased funding will benefit both the cause of historic preservation and commercial interests by alleviating long review periods, encouraging the hiring of additional qualified staff, and streamlining the application and review process for these repeat players. Open dialogue with industry representatives will engender cooperation, and will engage with system users as well as originators to create policies that realize shared goals. In addition, creative mitigation strategies can be utilized as a source of funding. Currently, there exists no standard for determining the compensatory value of mitigation requirements. This has the unfortunate consequence of producing wildly inconsistent results across different organizations and locations, and contributes to the perception of preservation organizations’ review procedures as both arbitrary and capricious. A consistent schedule of valuation would diminish that perception, and would enable constituents to accurately predict their level of commitment well in advance of review decisions. Predictability can have a quieting effect on certain projects that have the potential for significant mitigation costs, and will encourage constituents to involve preservationists in the earliest stages of planning rather than relying on end-stage negotiation and brinksmanship.

The funds realized by alternative mitigation can be used either within the context of the national Historic Preservation Fund, or at the state level to reinforce funding goals of critical needs. Critical needs include improved technology services, predictive modeling for archaeological sites, survey of new and unexplored sites with the potential for important contributions, additional qualified professional staff, and addressing community historic preservation objectives.

*Providing leadership and expertise.* Currently, preservation professionals are themselves a diverse group with incredibly varied backgrounds and levels of expertise. We applaud them, and recognize the contributions that each has brought to a fast-growing field. However, it is imperative to consolidate the education of preservation professionals in universities and research institutions to establish historic preservation as a viable career choice, and to ensure that those engaged in the work of preservation have comparable training that aligns with clear national standards. This is particularly critical in agency settings, where decisions about policy and specific cases are often at the discretion of one or more individuals.

National organizations should also strive to promote mentor relationships with younger preservationists to ensure a level of consistency and support amid transition. It is an unfortunate consequence of limited funding that many decision-makers in agency settings have less experience and have not had the opportunity to create the personal relationships that are essential to the current system of review and compliance. This produces an atmosphere of tension, and while simultaneously working to reform the existing system to be both more open and more consistent, we believe the counsel of established professionals is an invaluable resource for those new to the field. Furthermore, national organizations also have an opportunity and an obligation to recognize shifts in cultural resource management over the last fifty years and to more explicitly define and codify the skills involved in the identification, evaluation, treatment and documentation of cultural resources. Organizations like ACRA can and should recognize the ways in which their memberships represent a new professional class of “cultural resource

management specialists” and define how this profession contributes to our national historic preservation program.

*Promote inclusiveness and diversity.* Community engagement is the most powerful tool driving historic preservation, and each community is best equipped to flexibly engage with their own in identifying goals. Policy initiatives should encourage this kind of self-determination, as these communities safeguard what is valuable to their local and regional identity. Communities are also the first to recognize the benefits of historic preservation, so they are incredibly useful as a resource for evaluating overall effectiveness of policies and programs in conjunction with other social and economic initiatives. In the last several years, programs have been initiated to promote diverse hiring and promotion in agencies that manage considerable cultural heritage, including by the National Trust for Historic Preservation (PastForward Diversity Scholarship Program) and NPS (Office of Relevancy, Diversity and Inclusion; Urban Archaeology Corps). The Advisory Council on Historic Preservation should act as leaders in exploring ways of developing educational, training, hiring, and leadership development opportunities aimed at recruiting and retaining individuals of diverse backgrounds. In addition, federal agencies with considerable responsibility for managing historic sites would benefit from the ACHP identifying and promoting projects where recent immigrant communities have been successfully engaged in the presentation and interpretation of history that is very divergent from their own community’s past.

*Recognize the full range of the nation’s heritage.* Though we fully embrace the right and purpose of communities to determine their own heritage priorities, we are concerned about the use of the NHPA to encompass resources that are not place-specific. There should be a clarification between strategies to protect places that are integral to our cultural heritage, and other resources that are not tied to an object or location. However, within the context of specific places, we agree that it is important to consider intangible elements, such as folkways that are integrally associated with that place, in evaluating historic significance. This inclusion of the intangible elements associated with specific places will help to maintain a cohesive vision as the scope of NHPA continues to evolve.

We want to stress that NHPA, and especially Section 106, are not the platform for the consideration of non-place based intangible resources. These types of resources are currently being addressed (though not very effectively) in the context of laws, regulations, and procedures that fall under the National Environmental Policy Act (NEPA) umbrella. If the ACHP wants to improve the effectiveness of the protection of these types of non-place cultural and social resources, then we recommend that the ACHP and its partners work with the Council for Environmental Quality, which oversees the NEPA process. Modern resources will also benefit from prioritized criteria for evaluation, emphasizing sensitive alteration when necessary and providing for a careful selection of technologically, socially, and canonically important sites to be preserved.

*Improving preservation processes and systems.* The issue is not that there is an over-emphasis on professional expertise at the expense of community engagement, but rather a lack of coordinated standards for training preservation professionals in tools already available to them. Alteration or expansion of the existing criteria would be dangerous in the current regulatory climate, and even if successfully changed would perpetuate the existing problem. To the extent that current criteria for evaluating historic significance and legal protective mechanisms may not completely reflect community priorities, developing a preservation profession that more fully represents the American public will be an important component to ensure that the profession is able to develop long term in a productive and broadly beneficial way. Additionally, there needs to be better mechanisms to promptly identify the regulatory needs of new technologies and industries which impact cultural resources, but which are increasingly escaping effective review (like hydraulic fracturing).

Preservation organizations and end-users should have access to new technology, particularly GIS and database-integration systems that promote efficient survey and recordkeeping, in addition to more

effective planning and historic preservation compliance decision making. If preservation organizations can identify historic resources quickly, efficiently, and with minimal costs, their ability to influence agency and legislative constituencies will be significantly improved. This influence directly translates to involvement in early-stage planning that coordinates with related projects instead of reactionary resistance and interagency conflict. In the same way, if industry clients, planners, contractors, and other project proponents can identify potential conflicts in advance it will allow them to make informed choices and reduce risk even before it is necessary to engage with preservationists. This will streamline review and compliance processes, as well as reduce the potential for litigation, limiting overall costs for all parties involved. Lower costs can free up funding sources for critical needs such as predictive modeling for archaeological sites, additional survey, and additional qualified preservation staff.

Technological systems in place for managing historic resources vary widely between organizations, particularly government bodies, and artificially evoke a feeling of over-emphasis on professional expertise. Expertise is critical in evaluating historic resources and in developing appropriate policies, but should not restrict public access to information absent a compelling need. Inaccessible, unwieldy, and frustratingly proprietary records systems unnecessarily contribute to the perception of historic preservation as an esoteric profession that does not relate to local communities.

Finally, preservation professionals need access to coordinated continuing education in new preservation techniques and priorities, particularly integration of creative mitigation strategies into overall community development. Direct public benefit should be the ultimate goal of mitigation strategies, and early planning can help produce consistent results while allowing for productive, tailored solutions. Reacting to preservation problems tends to be unnecessarily focused on individual projects instead of the community as a whole, and promotes compliance for its own sake in the interest of punitive influence.

Collaboration and continuing education can foster trust that preservation agencies are sensitive to changing technologies, invested in improving communities, and proactive in engagement.

*Respecting the cultures, views, and concerns of indigenous peoples.* Tribal voices are essential in the consultation process conducted to determine the disposition of historic resources protected under NHPA. While inclusion of tribal representatives has been challenging in the past, many federal agencies (particularly FHWA, DoD, BLM, and the U.S. Forest Service) have made significant and substantive changes over the last decade to expand the access of native tribes to this process. In other cases, some federal agencies may currently have deficits in staff or expertise that creates challenges to providing adequate notification and inclusion of tribes. We would like to see the trend towards greater consultation continue and for federal agencies to provide the necessary resources to make tribal participation meaningful and during the early phases of the Section 106 process. Indigenous groups play an integral role in the identification and protection of historic sites, but tribal participation in consultation does not guarantee that a given consultation process will always create a result that meets all of a tribe's hopes. Preservation initiatives should always include respect for and inclusion of associated indigenous groups as a part of consistent, fair, and reasoned consultation procedures.

### **Additional Opportunities for the Preservation Program**

*Democratizing preservation and encouraging public engagement.* Standard IV of the Secretary of the Interior's Standards for Archeological Documentation requires that "The Results of Archeological Documentation are Reported and Made Available to the Public. Results must be accessible to a broad range of users including appropriate agencies, the professional community and the general public." With regards to this mandate, cultural heritage practice experiences two types of obstacles: a deficit in synthetic contextual analysis of heritage information needed by preservation professionals in order to interpret work to themselves and others, and a robust communications system for releasing preservation resources

to the public. While there have been many successful efforts to address this latter problem by various organizations, as a discipline historic preservation has been slow to adopt emerging technologies that provide useful tools for disseminating materials on preservation. The result of a slow and uneven process of public engagement is that only a tiny percentage of the tax-paying public has an idea of the scale and importance of the work that has been done under Section 106.

We respectfully believe that the problem with engagement is systematic and that superficial use of technology (specifically social media) will have a limited effect. The focus should instead be on the production of synthetic analysis that contextualizes cultural heritage, and on providing more avenues for the public to gain access to the expertise of preservation professionals. Greater public access to preservation knowledge for community use will contribute greatly to a sense of trust and a belief in shared goals.

Despite the emphasis in the Secretary of the Interior's Standards on public dissemination of research in an accessible way, public outreach is highly variable in approach and extent. For this directive to be fully realized, the ACHP could lead by developing a set of best practices, supported by a detailed statement of policy and practical guidelines and links to other resources. Such a review should also include ways in which federal and state agencies (especially the ACHP, NPS, and SHPOs/THPOs) can and should overhaul their online presence and policies to ensure greater public use of their resources.

*Furthering collaboration and partnership.* Through access to information and collegial relationships with constituent groups, preservation goals will come to be seen as an integral part of economic development rather than a hindrance. Environmental protections are now generally regarded as routine, if occasionally burdensome, and it should be the goal of preservation organizations to promote a similar perception in the business community and among industry partners.

Finally, it is essential that preservation be emphasized as integral to urban planning, cultural and historical tourism, and other factors that impact the livability and desirability of urban spaces. These have the potential to both promote sustainable economic development and improve quality of life, as well as increasing support and recognition for historic preservation generally.

*Enhancing appreciation for heritage through formal and informal education.* Professional and vocational training is critical for engaging the next generation of preservationists, but training must be carefully coordinated at the national level. Currently, preservation curricula vary widely among different institutions and many find it difficult to pursue preservation itself as a career distinct from architecture, engineering, history, or other established courses. There is a need for coherent guidance as to programming, content, and applicable skills to create a preservation 'identity', so professionals are easily recognizable and there is a common understanding of what constitutes expertise in the field. In the fifty years since the passage of the National Historic Preservation Act, historic preservation has become a signature issue in the development of public policy. We join with the ACHP in celebrating many important achievements, and respectfully offer these suggestions as a demonstration of our ongoing commitment to future success.

If you have further questions, please contact our counsel Marion Werkheiser at [marion@culturalheritagepartners.com](mailto:marion@culturalheritagepartners.com) or 703-489-6059.

Sincerely,

Terry Klein, MA, RPA  
Chair, Governmental Affairs Committee,  
Society for Historical Archaeology

Ian Burrow, PhD, RPA  
VP for Governmental Relations,  
American Cultural Resources Association

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## Federal Agency



Tennessee Valley Authority, 1101 Market Street, BR4A, Chattanooga, Tennessee 37402-2801

June 10, 2016

**Transmitted via E-mail to: Mr. Ronald D. Anzalone ([NHPA50@achp.gov](mailto:NHPA50@achp.gov))**

Mr. Ronald D. Anzalone  
Director, Office of Preservation  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
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Dear Mr. Anzalone:

RE: EFFORT TO IMPROVE THE EFFECTIVENESS OF THE NATIONAL PRESERVATION PROGRAM

The Tennessee Valley Authority (TVA) appreciates the opportunity afforded by the Advisory Council on Historic Preservation (ACHP) to provide recommendations to improve the effectiveness of the National Preservation Program. TVA values its partnership with ACHP in the implementation of National Historic Preservation Act (NHPA). This partnership has been instrumental in protecting historic and archeological resources throughout the Tennessee River Valley and the seven-state power service area; as TVA is providing affordable energy, responsible stewardship of natural resources and sustainable economic development for the region.

TVA commends ACHP's accomplishments during the rich 50-year history after enactment of the NHPA; we share several common challenges. Our comments and recommendations on the policy statement are provided below.

- Improving Preservation Processes and Systems

Your recent improvements to preservation processes to facilitate federal agency interactions have been especially successful. Examples of this effort include e106, E-Learning Portal, and issuance of the *Guidance on Agreement Documents*. These tools improve accessibility to information and training, and achieve consistency in the implementation of the NHPA.

The continued push to gain efficiencies in Section 106 compliance processes, and to achieve consistency in the interpretation of ACHP's Section 106 regulations is very beneficial for the stewardship of the historic resources managed by federal agencies. One suggested area for improvement would be the development of further guidance and processes for the uniform implementation of Section 110 of the NHPA.

- Expanding Environmental Sustainability  
Securing historic resources in the face of threats due to climate change and terrorism continues to be an evolving challenge. TVA and other utilities in the energy sector face continued pressure to improve and secure aging infrastructure, many involving historic resources. Additional guidance on securing operational historic assets would be helpful.
- Providing Leadership and Expertise  
For many federal land management agencies, archaeological sites represent the most abundant type of historic property encountered, and present the most complex management challenges. ACHP could benefit from having a more equitable distribution of archaeologists to provide stronger guidance to agencies.

As ACHP turns to more public outreach, we suggest including academic institutions that produce professionals in historic preservation. Significant opportunities exist to improve academic curriculum focused on federal preservation, especially in the field of archaeology.

To ensure the protection and preservation of the nation's historic properties, we suggest that the ACHP develop professional standards, much like the *Secretary of the Interior's Professional Qualification Standards* developed by the National Park Service, reinforcing that practitioners of historic preservation meet minimal professional standards.

- Promoting Inclusiveness and Diversity  
TVA strongly supports ACHP's recognition of the increasing diversity of historic resources and values. While great advances have been made by the ACHP and many federal agencies in incorporating tribal values into historic preservation, we recognize that more work is needed to preserve the heritage of indigenous groups and other underrepresented communities.

One way in which the ACHP could assist federal agencies and State Historic Preservation Officers (SHPOs) incorporating community concerns is to provide guidance and clarification on how to address traditional cultural properties under NHPA. Your policy statement emphasizes concepts of *intangible heritage* and *cultural values and traditions*, we suggest additional guidance on how to identify and evaluate these concepts.

TVA also recommends that ACHP provide funding to SHPOs to draft or update Statewide Historic Preservation Plans to seek out more public participation in underrepresented communities. This approach would greatly assist local, state, and federal agencies in identifying, evaluating and focusing more preservation efforts to protect historic assets valued by these communities. Likewise, SHPOs should be provided grants to develop or improve electronic submittal processes, similar to e106 improving the efficiency of consultations of associated reviews. Finally, ACHP should continue to emphasize the need to incorporate public outreach in mitigation efforts and highlight related success stories.

Mr. Anzalone  
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- Energy Development and Transmission  
While energy projects, including upgrades of the transmission network, have the potential to impact cultural landscapes and archaeological resources, the use of a Programmatic Agreement (PA) under Section 106 provides a powerful tool to mitigate and avoid such impacts. To this end, a national effort should be initiated by ACHP in coordination with SHPOs to emphasize the use of PAs that allow phased evaluation of transmission infrastructure projects while protecting historic landscapes.

TVA appreciates the opportunity to provide these comments to ACHP as you assess challenges and opportunities facing the Historic Preservation Program on 50<sup>th</sup> anniversary of the enactment of the NHPA. We look forward to working with your staff in the future. If you have any questions or wish to discuss any of these comments in greater detail, please contact me at (423) 751-6481 or bebrickhouse@tva.gov.

Sincerely,



Brenda E. Brickhouse  
Vice President  
Environment and Energy Policy



Thank you for the opportunity to provide suggestions to improve the National Historic Preservation Program. Our suggestions have been consolidated and are provided below:

1) Suggestions to Use Existing NHPA Procedures and Requirements:

- Reduce the number of recorded unevaluated cultural resources Agencies manage by completing the evaluation process for each resource in consultation. Funds would not be applied to resources determined “not eligible” for listing in the NRHP. Historic properties would receive existing funds and resources to ensure management and preservation.
- The 36 CFR 800.13 Post-review discoveries section of the regulations addresses a single undertaking. Could section 36 CFR 800.13 be adjusted to address *multiple* undertakings *when* the APEs overlap and historic properties are consistently absent after multiple surveys, archaeological testing, and project monitoring have been conducted within the overlapping APE. If 36 CFR 800.13 cannot be adjusted, perhaps this approach could become a stipulation in an agreement document for example.
- Make use of the NRHP 90,000 places information. For example, conduct analysis of the 90,000 places listed in the NRHP and make results widely available. Encourage individual researchers/professionals, communities, cities, and states to draw/infer connections to the results when cultural resources are evaluated and/or considered for listing in NRHP. Encourage local, state and national parties to collaborate and forge partnerships using NRHP themes/places to develop these bonds. Add the selection/recommendation of the NRHP themes/results to determination of eligibility forms so these connections are established at the start.

2) Suggestions to Refine and Adjust the Tools currently in use:

- Continue and increase the ACHP focus/capabilities on developing “how to” guidance for documenting/recording and evaluating traditional cultural places (properties), cultural landscapes, and other “intangible” property types.
- Develop outreach for non-agency parties with interests in historic preservation to educate and train them on opportunities to consult and engage with Agencies during Section 106 reviews for Agency projects. Many individuals or groups are likely interested in participation but may not know how to engage.

3) Additional Suggestions:

- ACHP could share its unique experiences and insights as to best practices by providing free training on numerous topics via Youtube or the ACHP’s website.
- ACHP could provide advice concerning the best timing and ways for CERCLA sites to incorporate NHPA as an ARAR. Project-by-project reviews can result in the loss of historic properties, project delays, and cost overruns.
- ACHP could clarify that consulting parties may memorialize their agreements in documents other than MOAs or PAs, such as letters, and revise its regulations accordingly.

Please let me know if you have any questions.

Respectfully,  
Mona Wright

Cultural Resource Program Manager  
US Department of Energy, Richland Operations Office

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## State Historic Preservation Officers and Professional Staff

### Washington State Historic Preservation Officer



In the development and other pressures section I would add:

Urban change and redevelopment: Other areas of the nation experiencing substantial urban redevelopment, due to expansion of the technology industry, are seeing loss of historic structures as tax credit programs cannot financially compete with the economic value of new commercial structures and complexes.

Continuing challenges:

Please add a section on the need for upgrading technology so the historic preservation process and information (e.g. mitigation documents, survey reports, building inventories etc. ) obtained during those processes can be made readily accessible to the public. Technological upgrades will also make the Section 106 process more transparent and efficient for all parties.

Thank you.

All the best

Allyson

Allyson Brooks Ph.D.  
State Historic Preservation Officer

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### Deputy SHPO, Washington State

My recommendation to improve the NHP program is for the historic preservation community to unite with our sister like-minded professions and movement in the humanities and related fields to strengthen and in many cases resurrect history and civics in our school curriculum and archaeology and historic preservation in upper grades and college level work.

In essence, with near universal and unquestioning support, our nation has made STEM as the focus and end goal of our education system. History and civics needs to be brought back to the same level if historic preservation is ever going to make any more headway in saving anything of our heritage.

In addition, the scope of high school and college level training in archaeology and historic preservation needs to be strengthened and integrated into other coursework including architecture, planning,

construction trades, etc. Preservation is still much too silo-ed and we continue to be mostly preaching to the choir.

I have always believed that preservationists have not been as effective as the environmental movement in being heard and making inroads not only in regulations but in schools and with the public in general. Now I see the bicycle community passing us by in becoming major forces in shaping public opinion and decision-making.

Thank you for undertaking this effort.

**Greg Griffith**

Deputy State Historic Preservation Officer

Washington State/Department of Archaeology & Historic Preservation

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**Tribal Historic Preservation Officers and Professional Staff**

Confederated Tribes of the Colville Reservation

In addition to 40 linear feet of professional archaeological and traditional cultural property reports prepared by the Confederated Tribes of the Colville Reservation in the last two decades, there are numerous publicly available products... which meet the purpose and intent of NHPA. The reports have the typical restrictions on access, everything on our web site is available to the public; we also produced a children's book, fish charts with Indian names, and other interpretive materials. We accomplished this work by partnering with federal and local agencies; agencies initially compelled to follow laws (largely NHPA, Sec 106, 36CFR800). The preceding information details our experience in real world compliance so it is understood our comments are offered from an informed position.

Still adjusting to Title 54, so this is the old NHPA. Don't want to chop it up too much and leave the information without context, see highlights (below) for most pertinent parts. Compliance is as important as improvements. Federal agencies, rather than limiting, conditioning, restricting, and impeding tribes from protecting significant archaeological, cultural, and traditional resources should be fostering preservation. There should be an effort to recognize the purpose and spirit of the legislation.

- There needs to be more ways to facilitate early consultation. Long term planning issues tend to drift to the back burner for years without agencies seeking and memorializing consultation efforts. On many occasions the following fictional type of scenario occurs: *Tribes are informed a land managing agency is building a road. Tribe then seeks consultation and a stop work order because the road runs through a sensitive area. The agency replies consultation is complete. They wrote a letter to the Chairman 5 years before and they never heard anything. Then it turns out the "letter" announced the agency's intent to streamline their land management practices. In the 243 page management plan it indicated roads were exempt from 106. In the intervening 5 years, both agency and tribal personnel changed twice and no one remembers where consultation left off.* Of course, the corollary here is that the consultation never met the guidelines developed by the ACHP in the first place.
- Agencies typically try to limit effects and the APE to their lands. This is a problem with Corps permitting that focuses on 'in water work'; or large stretches of river behind dams where all the shoreline isn't owned by an agency; or by agencies not accepting responsible for long inundated sites.
- Consultation sometimes is not an effort to reach agreement, but a strategy by which agencies inform stake holders of what agencies can/will not do (like deal with issues on private properties;

or failure to implement recommendations from cultural resource working groups (composed of SHPO, THPO, tribes, agencies); or using the very laws meant to protect sites, by reserving all 'final decisions', which then reflect their interpretations of APE, eligibility, and mitigation.

- Agencies try to avoid mitigation of significant sites by insisting they be formally evaluated prior to expending treatment funds, and then not carrying out their 106 or 110 responsibilities to evaluate sites.
- It is difficult getting agencies to understand "It is vital to evaluate properties thought to have traditional cultural significance from the standpoint of those who may ascribe such significance to them, whatever one's own perception of them, based on one's own cultural values, may be." (Parker and King 1998:4)
- What is missing is the federal preservation leadership and stewardship to see agencies meet the purpose of the law. Where are the accelerated programs and working partnership with states, tribes and local governments described in the Act?

But there is an improvement that would assist tribes. Add a fifth criterion for National Register eligibility – **A Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization**

Guy Moura, THPO

### *The National Historic Preservation Act of 1966, as amended*

#### **Section 1 (16 U.S.C. 470)**

(a) This Act may be cited as the "National Historic Preservation Act."

(b) The Congress finds and declares that

(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, esthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

## **Section 2 (16 U.S.C. 4701)**

It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organization and individuals to

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;

(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organization and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

## **Section 101 (16 U.S.C. 470a)**

**d)(1)** (A) The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their particular historic properties. The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to ensure that all types of historic properties and all public interests in such properties are given due consideration, and to encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic properties.

(B) The program under subparagraph (A) shall be developed in such a manner as to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this section to conform to the cultural setting of tribal heritage preservation goals and objectives. The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each tribe's chief governing authority.

(C) The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservation Officers, and other interested parties and initiate the program under subparagraph (a) by not later than October 1, 1994. ...

(6) (A) Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

## **Section 106 Responsibilities**

### **Section 106 (16 U.S.C. 470f)**

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.

**Definitions 36 CFR 800.16:**

(c) Approval of the expenditure of funds means any final agency decision authorizing or permitting the expenditure of Federal funds or financial assistance on an undertaking, including any agency decision that may be subject to an administrative appeal.

(d) Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

(f) Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process.

(l)(1) Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

(2) The term eligible for inclusion in the National Register includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

(y) Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

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**Hualapai Department of Cultural Resources**

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June 10, 2016

Mr. Ronald D. Anzalone, Director  
Office of Preservation Initiatives  
Advisory Council on Historic Preservation  
401 F Street, NW, Suite 308  
Washington, DC 20001

RE: The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities

Dear Mr. Anzalone:

On behalf of the Hualapai Tribe, this letter offers comments on the paper prepared by the Advisory Council on Historic Preservation (ACHP) captioned “The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities” (*NHPP at 50*). We commend the ACHP for taking the initiative to circulate this paper, which raises many important points. Our comments draw on two decades of our experiences as one of the first tribes to have established a Tribal Historic Preservation Officer (THPO) program and to have assumed responsibilities for our tribal lands pursuant to an agreement with the Secretary of the Interior, as authorized by section 101(d)(2) of the National Historic Preservation Act (NHPA) as amended. We begin with some general observations, followed by specific comments in response to specific points in *NHPP at 50*.

## GENERAL COMMENTS

The main reason that the national historic preservation program has been important to the Hualapai Tribe is that it has helped us to preserve places that are important in our Hualapai heritage. Our priority as a tribal nation has been to preserve our cultural heritage – historic significance has been of lesser importance. Having a THPO program has served this cultural heritage objective in two basic ways. First, by establishing a THPO program, we have developed our governmental capacity to preserve important places within our reservation. Second, through our THPO program, we have developed our capacity to use the NHPA section 106 process to advocate for the preservation of places outside of our territorial jurisdiction that hold religious and cultural importance in our tribal traditions. In addition, by having the staff capacity to use the historic preservation framework to preserve important places, we have also been able to devote some of our staff capacity to other aspects of our cultural heritage, such as language and cultural traditions that are not necessarily connected to particular places.

While cultural heritage is our emphasis, we have also taken the initiative to preserve historic buildings. Our tribal offices, after all, are in Peach Springs, Arizona, a town on Historic Route 66. We successfully nominated two historic buildings for listing on the National Register of Historic Places, a trading post and a service station known as the Osterman garage. We currently use the trading post for tribal government offices, and we are conducting a rehabilitation project for the Osterman garage.

For our THPO program, however, preserving cultural heritage is the priority because it is the identity of the Hualapai people. Over the course of relations with the United States, the Hualapai people have faced many challenges, some resulting from federal policies and some from the larger American society. The national historic preservation program offers processes and mechanisms to remind the larger American society that the Hualapai Tribe is still here and that there are many places, both within and beyond reservation boundaries, that are important in Hualapai heritage. For many such places, people of the larger American society may not appreciate why these places matter to us, and the historic preservation framework provides an opportunity for us to tell our stories.

Even though our priority in historic preservation is other than preserving places specifically because of their importance in history, we do believe that historic preservation has great potential for educating the larger American society about the histories of American Indian tribal nations. We believe that it would benefit the American people, and would also benefit Indian tribes, for the American people to be much better informed about these histories. Like each of the other 566 federally-recognized tribes, the Hualapai Tribe has stories of survival and perseverance as a self-governing tribal nation. We believe that the American people should be better informed about these Hualapai stories and the stories of other tribes. Some stories give us reasons for celebration, while others are associated with events that many people

might prefer not to know about or remember. For better and for worse, however, knowing more about these stories should foster better understanding of the importance of the federal policy supporting tribal self-determination. This in turn could lead to broader public acceptance of the tribal right of self-government and better understanding of how tribal governments fit within the American system of democracy.

We realize that this potential for fostering better understanding is a lot to expect from historic preservation. We think that the likelihood of this potential being fulfilled would be greatly enhanced if some of the challenges that are identified in *NHPP at 50* are addressed and resolved. From our perspective, chief among these are:

- (1) to ensure “adequate support for tribal preservation programs”; and
- (2) to get better outcomes from the section 106 process, and, as framed in *NHPP at 50*, “to elevate outcomes over process.”

We address each of these points, as well as others, below in our Specific Comments.

## **SPECIFIC COMMENTS**

The order of presentation of our specific comments corresponds to the headings and sub-headings in *NHPP at 50*. Headings are shown in boldface, sub-headings in italics. We have included only those sub-headings for which we have comments.

### **Development and Other Pressures**

#### *Energy development and transmission.*

The nature and scale of impacts typically associated with large-scale traditional and renewable energy projects underscore the need for early consultation with tribes before landscape-scale decisions are made. The ACHP regulations require reasonable and good faith efforts to engage in early consultation with tribes, but, as noted in *NHPP at 50* (page 3), “While the NHPA provides for formal participation of Indian tribes and Native Hawaiian organizations, in practice they are often overlooked or excluded.” Early consultation is particularly important when there would be impacts on traditional cultural properties (TCPs) and cultural landscapes for two practical reasons: (1) avoidance is often the only resolution of adverse effects that concerned tribes find acceptable, and the farther along a project is, the more project proponents tend to resist avoidance options; and (2) documenting the significance of TCPs and cultural landscapes often involves conducting interviews with elders and others with traditional knowledge, and conducting such interviews tends to take time.

In our experience, some federal agency offices do better than others in seeking to engage tribes in early consultation, and some do worse. Applicants for federal agency funding or authorization, and the consulting firms that they hire, tend to limit their identification efforts to surveys for archaeological resources. In some cases, when our THPO program finds out and advocates for our interests in TCPs and cultural landscapes, we have been able to overcome this tendency. This situation underscores the need for adequate support for tribal preservation programs. It also calls for evolution in the “culture” of historic preservation with enhanced attention to intangible values, including tribal oral traditions that are connected to TCPs and cultural landscapes.

We also note that, in light of the kinds of impacts typically associated with large-scale energy projects, preservation may call for advocacy for the analysis of alternatives that could reduce or eliminate the perceived need for large-scale energy projects. For example, large-scale projects may be rendered unnecessary by governmental policies that reduce the demand for electric power through a wide range of energy efficiency measures and demand-side management. Similarly, policies that promote roof-top solar electric power or community-scale renewable energy projects may displace the demand for large-scale



projects. Since the alternatives analysis typically occurs in the context of the National Environmental Policy Act (NEPA) rather than in the NHPA section 106 process, preservationists who advocate connecting the dots in such ways should probably become adept in the NEPA process. One option for the ACHP to help would be to revisit its guidance on coordination of NHPA and NEPA.

#### *Infrastructure development.*

Much of our comment on “*Energy development and transmission*” is also applicable to this subheading. This is another set of reasons for early consultation with tribes.

### **Continuing Challenges and Priorities for the Preservation Program**

#### *Developing public and political support.*

*NHPP at 50* says that there is “a broad lack of public understanding of and appreciation for the value and relevance of historic preservation to contemporary America” and that there is a need to build “an appreciation for history, the historic built environment, cultural landscapes, and cultural diversity among the American public.” We find these to be disturbing observations. We are accustomed to lack of public knowledge about and appreciation for our history as an Indian tribe, but we may have been so focused on building our own program that we have not been attentive to a widespread lack of appreciation for historic preservation.

The historic preservation movement must find ways to meet these challenges. We expect a lot from historic preservation, and our expectations assume that the larger American society appreciates historic preservation. Briefly, we hope that the historic preservation movement can help the larger American public to (a) understand the historical foundation for the legal status of tribes as self-governing communities distinct from the states, and (b) appreciate how important it is for tribes to be able to maintain their cultural identities. Public understanding of these points is important because there have been historical periods in which the overall policy objective of the United States toward Indian tribes was to encourage, or force, Indian people to become assimilated into the American mainstream and give up their tribal cultures. This was the objective in the “allotment” era (about 1871 to 1928) and in the “termination” era (about 1943-1961). *See generally* COHEN’S HANDBOOK OF FEDERAL INDIAN LAW §§ 1.04, 1.06 (2012 edition). Those policies had disastrous results and eventually were superseded by policies supporting tribal self-government: “Indian reorganization” (1928-1942) and “self-determination” (1961-present). *See generally* COHEN’S HANDBOOK §§ 1.05, 1.07. Self-determination has been the policy for about half a century, and, in many ways, conditions on our reservation, and in Indian country generally, are getting better, but still some of the problems we face have roots in the assimilationist policies of the past.

We hope that historic preservation can help the larger American public to learn enough about the history of federal Indian policy so that there is broad support for tribal self-determination and self-government, and so that there is enough public knowledge about the mistakes of the past to avoid repeating them. In other words, we hope that historic preservation can help to build support in the larger American public for the right of Indian tribes to continue to live as self-governing nations within the framework of American democracy.

Reflecting on the challenges raised under this subheading in *NHPP at 50* and considering our expectations for how the historic preservation movement could promote broader understanding about the history of federal Indian policy, we offer this suggestion – ***historic preservation should provide more prominent roles for Indian tribes***. Here are three specific ideas for developing more prominent roles for tribes in historic preservation on federal lands – federal land managing agencies should:

(a) become pro-active in carrying out their responsibilities under NHPA section 110(b), 54 U.S.C. § 306102(b), specifically, consult with tribes to identify and evaluate historic properties on federal lands that hold religious and cultural importance, including traditional cultural properties (TCPs);  
(b) enter into agreements with tribal governments to collaborate in managing such properties; and  
(c) collaborate with tribes to develop educational exhibits and materials for use in visitor centers, campgrounds, and other appropriate places to provide accurate information about the connections that tribes have (ancestral and contemporary) with lands under the agency's jurisdiction, including the history of how particular land areas passed out of tribal habitation.

Steps like these could lead to better management of TCPs and other historic properties, and could also draw public attention to the historical and contemporary presence of tribes in the area. There would no doubt be other benefits. For example, one possible benefit of co-management of TCPs could include measurement and explanation of some of the environmental benefits of preserving TCPs, especially those that are relatively undisturbed places in the natural environment. There may well be ecosystem services associated with such places – economic values that people derive from functioning ecosystems. See Office of Management and Budget, Council on Environmental Quality, and Office of Science and Technology, *Memorandum for Executive Departments and Agencies on Incorporating Ecosystem Services into Federal Decision Making* (Oct. 7, 2015), available at [www.whitehouse.gov/sites/default/files/omb/memoranda/2016/m-16-01.pdf](http://www.whitehouse.gov/sites/default/files/omb/memoranda/2016/m-16-01.pdf); see also J.B. Ruhl, *A New Federal Policy for Ecosystem Services*, 30:4 NAT. RES. & ENVT. 50 (Spring 2016). Where ecosystem services are preserved because of historic preservation, credit should be given.

*Obtaining adequate and sustainable financial support.*

We appreciate recognition of the need for “adequate support for tribal preservation programs.” From our perspective, this is one of the most important issues. (We think that it warrants more than a subordinate clause in a single sentence in *NHPP at 50*.) More prominent roles for tribal governments will only be realistic if support for tribal preservation programs is adequate. This, of course, includes the Historic Preservation Fund (HPF), which is the main source of federal funding for most tribal programs. Since this source of funding first became available to tribes in fiscal year 1996, the amount of funding has not kept pace with the growth of THPO programs: there were 12 approved THPO programs then; there are 165 now. National Association of Tribal Historic Preservation Officers, Testimony, Subcommittee on Federal Lands, Committee on Natural Resources, U.S. House of Representatives (Feb. 11, 2016), available at <http://nathpo.org/wp/2016/02/15/legislative-activity/>.

Other options for funding tribal programs should also be explored, in addition to HPF grants. For example, consider the **tax credits** for the rehabilitation of historic buildings. *NHPP at 50* (page 2) describes this program as “highly-successful” and suggests that the tax credits “could also be made more useful for a wide range of preservation needs.” We agree. More specifically, there ought to be a way to make tax incentives work to draw private funding into tribal preservation programs. *NHPP at 50* says that the federal “tax credits have stimulated nearly \$120 billion in private investment in the rehabilitation of historic properties.” According to a report by the National Park Service (NPS), during the period from 1977 through fiscal year 2012, the tax incentives program “generated over \$66 billion in private investment in the rehabilitation of historic buildings.” NPS, *FEDERAL TAX INCENTIVES FOR REHABILITATING HISTORIC BUILDINGS: 35TH ANNIVERSARY* (March 2013), at p. 1. Whatever the actual amount is, it is a lot of money. There is nothing in the NPS report indicating whether any of this private capital has ever been invested within an Indian reservation.

We would expect that an investigation of this issue would find that little, if any, private investment incentivized by the tax credits has directly benefited any tribe. That would be our expectation because, as governmental entities, tribes are not taxable entities, and, since the credit goes to the owner of the

rehabilitated building, the tax credits are not available for rehabilitation of historic buildings that are owned by tribes.

For those tribes whose reservations include privately owned land (typically resulting from the legacy of the allotment era of federal Indian policy), there does not appear to be any reason why private persons who own historic buildings could not avail themselves of the tax credits. The Hualapai Reservation was not subjected to allotment, and title to the land within the Reservation boundary is almost entirely held in trust for the Tribe. As such, the tax credits have not worked for us. As we look to the future of the national historic preservation program, the agenda should include fashioning a version of the tax incentive program that would work to draw private capital into Indian country. Fashioning an Indian country version of the tax incentive program might be as simple as changing the law to allow the tax credit to be claimed by a taxable person who leases a building from a tribe or otherwise joins with the tribe as a business partner.

If there were an Indian country version of the tax incentive program, we think that it should not be limited to rehabilitation of historic buildings. Rather, it should also be available for conservation of TCPs and other historic properties. Some TCPs may need environmental restoration, which can be seen to be comparable to rehabilitation of a historic building. For historic properties such as archaeological or rock art sites that have been damaged by looting, if the tax credit were available for rehabilitation at such a site, tribes might be able to find taxable partners interested in contributing to such work.

There should also be a source of funding that could be available for the acquisition of land where TCPs and other historic properties are located. Where a culturally important historic property is located on private land, the most expeditious strategy for preservation may be for the tribe to buy the land. Federal assistance programs for purchasing environmental important land, such as the Land and Water Conservation Fund (LWCF), should be analyzed to see if they can be made to work for tribes to acquire TCPs and other historic properties that are on private land. Since 1964, the state side of the LWCF has been a source of funding to states and local governments for acquisition and development of outdoor recreation and park areas. The federal side of the LWCF is used to acquire private lands by federal agencies. Neither the state nor the federal side expressly authorizes funding for projects sponsored by tribal governments. The omission of tribes from this program should be fixed, and the fix should specifically allow for acquisition of historic properties.

*Providing leadership and expertise.*

NHPP at 50 says, “At the professional level, there are insufficient numbers and types of qualified and experienced practitioners (in both public and private sectors) in the various preservation fields ...” In light of the need for greater diversity, as noted in the next sub-heading, there should be specific efforts to recruit tribal members into preservation fields. Perhaps the federal government should develop a program for tribal members, including assistance in acquiring academic credentials and recruitment for employment opportunities in federal agencies.

*Promoting inclusiveness and diversity.*

NHPP at 50 says, “A more expansive approach to significance is needed, and diverse communities must be more effectively engaged and supported in preserving their own heritage and telling their part of the American story. This includes telling difficult or complex stories that illustrate both the positive and negative interactions of different people and institutions over the course of the nation’s history.” We agree. Many of the stories about tribal nations are difficult, but the American public needs to have exposure to these stories, especially when told from tribal perspectives.

To achieve a “more expansive approach to significance,” we suggest revisiting the criteria of eligibility for the National Register. The criteria were developed long ago without

input from tribes, long before there were tribal preservation programs. Whether or not there is a need for change, there should be an opportunity for tribes to express their views.

*Recognizing the full range of the nation's heritage.*

*NHPP at 50* says, “[T]he preservation program needs to do a better job of incorporating concepts of intangible heritage and non-traditional resources within the place-based context of historic preservation. This includes not only cultural landscapes and sites sacred to native peoples, but also less obvious culturally significant sites that do not meet other typical preservation tests like age or integrity.” We agree. We think this underscores the need for more prominent roles for tribes.

*Improving preservation processes and systems.*

*NHPP at 50* says, “Current criteria for evaluating historic significance and legal protective mechanisms need to be updated to reflect the values communities place on their heritage and to elevate outcomes over process.”

We need outcomes that actually work for preservation. This is probably the most important point of all (aside from adequate support for tribal programs). With respect to TCPs and other historic properties that have religious and cultural importance, to be acceptable an outcome must avoid adverse effects and preserve access for traditional practitioners. An outcome that limits the damage is generally not acceptable. As we have said, we believe that the American people will benefit in many ways from enhanced tribal involvement in the national historic preservation program. Tribal involvement is more likely to grow if the process actually works to preserve historic places that matter to tribes.

With respect to TCPs and other historic properties of tribal religious and cultural importance on federal lands, we think there is a real need to develop and actually use models of collaborative management, in which tribal governments have real responsibilities. Tribes can perform functions like monitoring sites to reduce the risk of looting. Tribes might oversee use of TCPs by tribal members, or conduct ethnobotanical studies to ensure that use of a site by tribal members is sustainable. Collaborative management could take many forms, if federal agencies are willing. We suspect that they would be more likely to be willing if there were examples of successful models that could be replicated.

We also think that there should be an option for a possible outcome on federal lands in which some aspect of beneficial title is transferred to the concerned tribe, maybe with title in Indian trust status. For such an option to work, the tribe would probably have to be willing to accept some restrictions on use to ensure management for preservation.

*Respecting the cultures, views, and concerns of indigenous peoples.*

*NHPP at 50* says, “While the NHPA provides for formal participation of Indian tribes and Native Hawaiian organizations, in practice they are often overlooked or excluded. The result is that the resources important to their identity and culture, and the intangible and tangible cultural heritage associated with them, are not properly recognized or valued by the larger society. They are often not fully considered in mandated preservation processes.”

We strongly agree and appreciate the inclusion of these points in *NHPP at 50*. Once again, we think this underscores the need for more prominent roles for tribes. We also reiterate our recommendation made earlier in this letter, that federal land managing agencies “become pro-active in carrying out their responsibilities under NHPA section 110(b), 54 U.S.C. § 306102(b), specifically, consult with tribes to identify and evaluate historic properties on federal lands that hold religious and cultural importance, including traditional cultural properties (TCPs).” By doing this, federal land managing agencies would make real progress in showing respect for the cultures, views, and concerns of indigenous peoples. Such actions would also provide powerful examples for others.

Thank you for your consideration of these comments. If the ACHP seeks further input for this initiative, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Hubbs", with a long, sweeping horizontal line extending to the right.

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Dawn Hubbs, Director/THPO

cc: Damon Clarke, Chairman, Hualapai Tribal Council

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# MONTANA

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NATIVE OWNED FIRM  
MONTANA & ASSOCIATES  
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OSSEO, WI 54758



ASSOCIATES, LLC

June 10, 2016

Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

Via Email: NHPA50@achp.gov

**RE: Response to ACHP Request Creative Suggestions to Improve the National Historic Preservation Program.**

I have been requested by Ms. Paula Antione who is the Program Director of the Sicangu Oyate Land Office of the Rosebud Sioux Tribe to submit suggestions on behalf of her program based upon the above-indicated request by the ACHP.

## SUGGESTIONS

1. Since 1992, with the advent of Tribal Historic Preservation Officers, cultural resource activities (historic preservation) on federally recognized reservations has changed significantly; and, to some extent, outside reservation boundaries as well. Today, the tribe or tribes assume responsibility for their identification and management. Outside the exterior boundaries of the reservation is a different situation where federal agency's (BLM, DOD, USFS, and others) and/or State Historic Preservation Offices (Phoenix, AZ and Sacramento, CA) consult on all aspects of cultural resource matters. Other tribes may also want to be involved in cultural resource issues, including human remains.

**Suggestion No. 1 ACHP** – Promulgate regulations to allow for tribes to work together on more productive cooperative agreements and further, advance SHPO and THPO regulations that mandate some form of cooperative engagement for communication purpose.

2. Building relationships—Frequently, there are a number of stakeholders involved in historic preservation issues (including prehistoric and historic sites; sacred sites and places; cultural significant natural resources (plant, mineral, and others); Traditional Cultural Properties (TCPs).

**Suggestion No. 2 ACHP** – Assist in regulations that would assist in facilitating a networking program for all stakeholders, i.e. THPO, SHOP, BLM, DOD etc.

3. Native Education, Training, and Employment—Monitoring is only one part of the overall cultural resource management process for tribal entities, but it's a very important part contributing to tribal member's historic preservation education, training, and employment emphasizing "on-rez" employment.

1 RST LO Sug ACHP

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**Suggestion No. 3 ACHP** – Assist tribes with additional funding to support the continued education of tribal communities, in regards training and employment regarding Tribal Historic Preservation projects within the boundaries of the reservations.

4. Native and non-native oral histories and contemporary testimony—  
living on or near the project area may have valuable information that should be gathered during the Class I but additional data may be provided during monitoring.

**Suggestion No. 4 ACHP** – Suggestions by ACHP to assist tribes in the gathering of data for testimonials relating to oral histories and contemporary testimony relating to cultural and traditional.

5. Elders, Elder Councils or other organizations—Individuals recognized by the community/tribal council have a distinct role in consulting during monitoring.

**Suggestion No. 5 ACHP** – Suggestions by ACHP to assist tribes in how to organize elder groups for consultation purposes and assisting tribes in the historic and cultural significance of utilizing elders for identification purposes. Acculturation has hindered some tribes in their understanding of the cultural and traditional importance of elders in the identification of sacred sites and the understanding of the oral tradition behind sacred sites.

6. Sacred Sites/Places—Monitoring to insure project does not encroach on established boundaries of sacred sites/places.

**Suggestion No. 6 ACHP** – Many tribes are in immediate need of educational tools to support the education of their individual THPO's relating to how to establish archeological boundaries for the protection of sacred sites/places. Also tribes need instruction on how to establish their own laws relating to Tribal Historic Preservation – and regulations that would allow the institution of a step-by-step guide to set boundaries around and adjacent to sacred sites.

Based upon the foregoing the Rosebud Sioux Tribe, Sicangu Oyate Land Office, submit the suggestions herein stated. Any responses to the above suggestions may be directed to the following: Ms. Paula Antione, Rosebud Sioux Tribe, Sicangu Oyate Land Office, P.O. Box 658Rosebud, South Dakota 57570 - Email: [Paula.Antoine@RST-NSN.gov](mailto:Paula.Antoine@RST-NSN.gov)

Thank you for the opportunity for the Rosebud Sioux Tribe and it's land office to bring forth their suggestions.

/s/Gary J. Montana  
Gary J. Montana, Senior Attorney



### United Auburn Indian Community, California

This is what I would like to learn more about:

Confidentiality without 304 protection;  
Intersection between state and federal burial laws;  
Archeological value and date potential vs. tribal values;  
Appropriate and creative mitigation options, what has worked and where;  
Template agreement documents;  
Better and more accessible training;  
Evaluating tribal resources under all property types.

Marcos Guerrero, Tribal Historic Preservation Department

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### Ysleta Del sur Pueblo, El Paso, Texas

One area that I wish to comment on is the section which deals with 'Respecting the cultures and concerns of indigenous peoples'. Throughout history our people the indigenous peoples of the United States have been overlooked and in the process many cultures, customs, languages and historical buildings have fallen prey to the idea of progress. The National Historic Preservation Program at 50 in my opinion should hold political entities accountable for the failures of not consulting with the indigenous communities that are located within their jurisdiction.

Ricardo Quezada, Cultural Preservation Director

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## **Statewide and Local Preservation Organizations**

### Collingdale Historical Society, Collingdale, Pennsylvania

I have been following with some interest the celebration of the 1966 historical preservation act. My situation is unique in that I've only fairly recently had my eyes open to the rich historic resources in the Delaware Valley. Back in 2011, I decided to pursue my love of history with a book on my hometown. Like most of my contemporaries, I didn't really have a good understanding of the work that goes into preserving history. I didn't know any of the local historic sites or the significance of them. There was, and in some cases, still is a huge disconnect with the local history and the community.

I do believe that there are some "rays of hope" in making people aware of these historic resources. Unfortunately the perceptions of what historic preservation is and is not still prevail. I have seen the disconnect, but the group that I belong to is slowly but surely bringing to light the stories that have been buried for far too long.

The first thing we need to do is to make people aware that history is not just words on a page. It is in the businesses, churches and organizations that make up a community. That is why I believe that business partnerships are a critical component to any historical preservation plan. I have over the course of the 3 years that we've been an unofficial organization (we just recently got incorporated) worked with the local businesses to promote them and to come up with ways to help support them. Business partnerships could resolve, but not entirely eliminate debts for some of the historical organizations. I do understand the



concern and the fine line we cross when we engage with businesses, but my question is "what choice do we have?" We need to get the community engaged somehow...and supporting our local businesses will do that.

The second thing, and probably equally important is to find a sustainable way to preserve these old historic buildings without relying entirely on state, local and federal monies. I have been reading up and talking about this. I believe that it is possible...and it has been done many times. One of the ways to help preserve old buildings is to have an ordinance that encourages developers to renovate and reuse these old buildings. Sadly there is a large contingent of people that still insist that tearing down a perfectly well constructed building is better and less expensive than renovating or preserving it. Most ordinances in place allow the owners to do whatever they please with their property...which is all well and good...until you are faced with the possibility of neglect or loss of the structures on the property. It is a sticky dilemma when you consider it closely. How do you justify the continued existence of a locally historic building when a developer waves a wad of cash in front of you? The alternative is the downward spiral of the community. We have six buildings in the borough that are what I consider endangered...that means they are not producing revenue now...and are in danger of being demolished (if a developer comes along with a wad of cash).

Making young people aware of their rich historic resources is the third challenge that local historical societies face. Nowadays it's too easy for young people to get sucked into social media and not allow themselves to experience the physical aspects. Because most (but not all) the local historical societies are run by all volunteer and older generations, it makes it very difficult to get young people interested in their local history. I can understand this. I wasn't much into history when I was young either. The problem is though that there doesn't seem to be that small percentage of young people that are willing or able to run these historic sites. In some instances they just don't know or not aware (like I was) that these resources are out there.

There are also many obstacles to getting young people involved and interested in pursuing this field.

- 1) There is no money in it. The field from my understanding of it is not a field where you'll make that much money. Even though I love history and really want to get into this field, this is my obstacle too...
- 2) There is no incentive to pursue it. This is probably, for some, a better motivation for getting into the historical preservation field than money. I think for some that pursue this career path, the motivation fades when you're faced with taking a position because you can't afford not to take it.
- 3) There is little or no awareness of achievement. This is changing. I can see it, but for many this lack of "Way to Go" or "Congratulations" is what burns them out. Young people especially need to know that they are a big part of local history.

Please feel free to share these thoughts and understand that for many local communities like Collingdale...there is really no way to implement good historic preservation plans without taking into consideration:

- 1) Economic feasibility
- 2) Environmental feasibility
- 3) Community involvement and awareness.

Elizabeth MacGuire, President

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**GALVESTON  
HISTORICAL  
FOUNDATION**

POST OFFICE BOX 149  
GALVESTON, TEXAS 77553

June 2, 2016

Ronald D. Anzalone  
Director, Office of Preservation Initiatives  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

Re: The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities

Dear Mr. Anzalone:

We appreciate the opportunity to comment as the ACHP develops public policy recommendations regarding new challenges facing historic preservation efforts. While all of the issues addressed in the most recent draft statement merit consideration, the topic, "expanding environmental sustainability," is particularly interesting to us.

Preservationists around the country recognize the relationship between culture, the built environment, and the natural environment. As a local non-profit group representing a city that occupies a barrier island, we have observed firsthand that these links are particularly intricate in coastal settings, where environmental impacts are often intense. Coastal communities around the world are familiar with the routine challenges posed by high wind speeds, harsh sunlight, high humidity, tidal flooding, and above average rainfall. And as we witnessed in September 2008, when Hurricane Ike struck Galveston and the Houston metropolitan area, severe weather events put tremendous pressure on the programs created to serve the interests of preservation.

During the recovery from Hurricane Ike, we developed initiatives that have helped us understand how we can more sustainably preserve historic resources in coastal environments. Among other programs, we completed the Green Revival House, a LEED for Homes Platinum-certified rehabilitation project, and organized *Living on the Edge*, an annual conference on interdisciplinary approaches to preservation on the coast. As we continue to explore strategies for sustainability and resiliency in Galveston, we become increasingly certain that the most effective solutions will be developed at the local level, developed through partnerships between organizations like ours and the residents and businesses that utilize and appreciate historic resources on a daily basis. Nevertheless, the federal government plays a substantial role in shaping these local efforts. A few key additions to the National Historic Preservation Program would ensure that national policy promotes environmentally and economically sustainable preservation practices in vulnerable coastal cities.

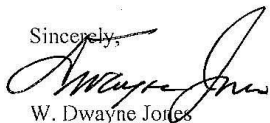
1. In the section "Obtaining adequate and sustainable financial support," the draft ACHP statement says that "the credits could also be made more useful for a wide range of preservation needs." We would like to identify flood mitigation as one such need. While the National Park Service staff has determined that the elevation and relocation of historic buildings may be appropriate in some cases, the most common interpretations of National Register criteria prioritize the retention of integrity of site and design. This interpretation creates a conflict that tax credit reviewers work to resolve. As we have learned in relocating and elevating several building since Hurricane Ike, these flood mitigation strategies are important tools for ensuring the long-term preservation of significant buildings located in flood plains. Severe weather events and rising sea levels threaten the very existence of historic

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resources in coastal cities. Therefore, flood mitigation in these cases should be seen as means to *protect* overall integrity rather than diminish certain aspects. Thoughtful implementation of strategies such as elevation and relocation should be supported as part of the existing federal historic rehabilitation tax credit.

2. Through the National Flood Insurance Program, FEMA incentivizes building owners in flood-prone areas to undertake mitigation projects. As explained above, we feel this incentive is appropriate even for sensitive historic buildings. However, in identifying appropriate mitigation measures as *"elevating buildings above the level of the base flood, demolishing buildings, and removing buildings from the Special Flood Hazard Area (SFHA),"* FEMA excludes alternative mitigation strategies which could minimize flood damage to historic buildings. We have explored two such strategies, wet-proofing and amphibious foundations, and we believe they could be effective in some cases. More important than the inclusion of any specific strategies in the NFIP is the recognition that historic buildings are more likely than modern buildings to have close functional relationships with their immediate environment. With this understanding, policy makers would recognize the appropriateness of encouraging innovative site-specific solutions as long as they could be demonstrated as effective in mitigating flood damage. The current NFIP policy on mitigation strategies is too limited to be effective in minimizing flood damage in historic buildings. Preservation officials at the national levels should lead the effort to change this policy in collaboration with their counterparts at FEMA.
3. In the years after Hurricane Ike, HUD-funded housing recovery projects had substantial impacts on historic resources in Galveston. As part of the Section 106 process, we served as a consulting party in the determination of adverse effects and corresponding mitigation efforts. In this role we reviewed hundreds of buildings slated for rehabilitation or demolition and replacement with new construction. We reviewed buildings of all types, whether they were eligible or ineligible for listing on the National Register. Over our seven years of participation in the post-storm recovery housing programs, we encountered a pervasive and insistent belief among state and local officials that new construction is superior in quality to historic construction. We're unable to find a formal policy supporting this position. It may simply derive from the intuition of uninformed leaders. Nevertheless, the belief is honestly held and it strongly influences treatment selections for existing buildings in post-disaster areas. As a consequence, we have witnessed the demolition of many buildings containing high-quality nineteenth and early-twentieth-century materials, including longleaf pine and bald cypress. So long as policymakers maintain their erroneous perception that historic construction is inferior, disaster recovery efforts throughout the country will be marked by the waste of irreplaceable natural building materials and by a decline in the long-term sustainability of our housing stock. It should be a priority of the National Historic Preservation Program to ensure that other federal agencies recognize the quality of historic building materials so that they can more effectively lead state and local officials.

Sincerely,



W. Dwayne Jones  
Chief Executive Officer

Historic Fort Worth, Fort Worth, Texas

One of the best ways to improve the NHPA would be to improve its visibility amongst the development and business community. Preservation (especially in Texas) is usually viewed in a very negative, anti-development practice. An educational awareness program or campaign explaining the economic benefits of the NHPA, historic tax credits, and investment in preservation would go a long way towards encouraging investment in preservation amongst the development community.

Justin Newhart, Preservation Program Director

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June 8, 2016

Ronald D. Anzalone  
Director, Office of Preservation Initiatives  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington DC 20001-2637  
Via email: [ranzalone@achp.gov](mailto:ranzalone@achp.gov)

**RE: National Preservation Program Improvements Comments**

Dear Mr. Anzalone:

Thank you for inviting comments on the Advisory Council on Historic Preservation (ACHP) efforts to improve the effectiveness of the national historic preservation program as it develops a set of policy recommendations and achievable implementation strategies that can be put in place through legislative, executive, or administrative action. ACHP states that the recommendations will be formally submitted to the next Administration and the incoming Congress at the end of this year.

Historic Hawai'i Foundation (HHF) is a statewide non-profit organization that encourages the preservation of buildings, sites, communities and objects relating to the history of Hawai'i. Founded in 1974, Historic Hawai'i Foundation provides leadership in historic preservation through its core programs of developing a community ethic of historic preservation, supporting smart legislation, and providing technical assistance to make preservation accessible. HHF often serves as a consulting party to federal agencies and their local counterparts pursuant to the implementing regulations of the National Historic Preservation Act as an organization with a demonstrated interest in and a concern for effects on historic properties.

In response to ACHP's invitation to assess challenges and opportunities facing the preservation program on its 50<sup>th</sup> anniversary, Historic Hawai'i Foundation convened a roundtable discussion of preservation professionals with expertise and insight into the nation's historic preservation program, with particular emphasis on the Hawai'i experience. The gathering on June 1, 2016 included representatives of several federal agencies (Navy, Marine Corps, National Park Service), state agencies (State Historic Preservation Office, Department of Transportation), local partners (Honolulu Authority for Rapid Transportation), Native Hawaiian Organizations (Office of Hawaiian Affairs, O'ahu Council of Hawaiian Civic Clubs), and members of the private sector working in the fields of historic architecture, history, landscape architecture, architectural history, planning, cultural resource management, law and archaeology. These comments and recommendations are those of Historic Hawai'i Foundation and do not necessarily reflect the views of the roundtable participants.

We recognize the great strides that have occurred over the last 50 years in identifying, protecting, restoring and sharing places that are significant to the history of the United States, as well as to individual states, local communities, and constituent ethnic and cultural groups. These comments build on the foundation of the National Historic Preservation Act, which we find to be a strong framework with many important and useful mechanisms for heritage protection efforts. The comments are meant as improvements and refinements to the existing system.

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## 1. National Register of Historic Places and Identification of Historic Properties

The National Register is a useful construct for differentiating historically-significant buildings and structures from those that may have reached the age for consideration but otherwise lack historic merit.

However, our experience has been that the National Register (NR) is not well suited to identify other types of historic and cultural resources. It is a poor fit for identifying places that have traditional, religious or cultural significance to Native Hawaiians and others. The National Register also does not fit the needs for identifying and evaluating larger-scale landscapes, ethnographic sites, disbursed or intangible cultural resources, and other property types that are nonetheless significant to local communities.

We have also seen an exponential growth in the complexity of NR nominations, with increased requirements for research, context studies, expansive descriptions, and level of information. The ability to complete a nomination and have it approved is now placed primarily with paid professionals and is out of reach for most lay persons. While this has improved the quality of the nominations that are submitted, it is a barrier for many property owners, community associations or other stakeholders who may not have the in-house expertise or financial wherewithal to pursue NR designation.

Federal agencies are also reluctant to complete and submit NR nominations for official listing. While they regularly identify NR-eligible properties, the agencies in Hawai'i do not have a routine or reliable system for advancing nominations after a determination of eligibility is made. The agencies cite lack of resources to complete and process the nominations, and a reluctance to have their historic property documentation publicly-accessible.

Historic Context Studies provide needed frameworks for evaluating the significance of individual resources as they relate to a broader history or design movement. However, most of the national context studies do not include or address Hawai'i's stories and places, and Hawai'i has not kept pace with developing its own context studies. This hampers efforts to identify, evaluate and designate local resources.

**RECOMMENDATION:** Review and update the standards and procedures for National Register listing to address these concerns. Identify resources for developing historic context and theme studies to assist with identification and evaluation of historic properties.

## 2. Section 106 Consultation

We support the intent of the Section 106 process to ensure that federal actions take into account the potential effect on historic properties prior to making decisions. The concerns are related to how well the Section 106 process is working in practice.

- Federal agencies and their local counterparts in state and local governments often lack training, technical support and expertise in project management and compliance. Many are ill-equipped to manage the consultation process and often flounder in integrating agreements into project approvals, budgets and implementation.

- Consulting parties have various levels of knowledge and capacity to participate effectively. Some attempt to use the Section 106 consultation to address non-historic preservation issues or to undermine the process, either by working against finding a solution for the undertaking or by disrupting the collaborative and solutions-oriented nature of consultation.
- The agencies charged with ensuring that the process is fair and inclusive—SHPO and ACHP—appear overwhelmed by the volume of undertakings and number of consultations. As they prioritize work load and staff assignments, they are pulling back from providing a level of service needed by both agencies and consulting parties. This exacerbates the concerns with both complex and routine Section 106 consultations, as the agencies can be non-responsive or more concerned with expediting a conclusion than in ensuring an appropriate outcome.

We are also concerned that the Section 106 emphasis on process may come at the expense of preservation outcomes. The resources of staff, time, money and energy from all of the participants can be extensive, yet the final outcome can fail to meet the purpose of the NHPA to preserve the historical and cultural foundations of the nation as a living part of community life and development.

Once the Section 106 process has been completed and an agreement reached, there remain issues of ensuring that the agreement is followed and implemented. We have seen numerous examples in which the agreements are not tracked, or the stipulations are not integrated into the undertaking. There can be a lack of follow-through and accountability, with few interim options between raising the issue while hoping for resolution and bringing it to the courts to adjudicate.

**RECOMMENDATION:** Increase technical support, training and accountability for all stakeholders and participants in the Section 106 process to improve proficiency and compliance. Address issues of post-agreement implementation, follow-through and accountability.

### **3. Historic Preservation Fund, Historic Rehabilitation Tax Credit and Funding**

Consistent, reliable, sustainable and adequate funding for preservation is vital for historic preservation efforts. We are concerned that Congress has failed to reauthorize or fully fund the Historic Preservation Fund to help the State and Tribal Historic Preservation Offices. We are also alarmed by the precipitous or complete cuts to other heritage protection programs, including Save America's Treasures, Preserve America, Heritage Areas, and National Park Service operations and grant programs.

The Historic Tax Credit has galvanized historic rehabilitation projects across the country, but has room for improvement. We would like to see tax incentive programs be available to additional historic properties, including: increasing the credit for smaller deals, allowing for the transfer of credits for small projects, increasing the type of buildings eligible for rehabilitation, reducing the basis adjustment, and modifying rules for tax-exempt use property (such as those owned by non-profit organizations). Expanding the credit for residential use and making provisions for public-private partnerships (such as private developers who partner with federal or state governments) would also increase use of the credit and incentivize additional rehabilitation projects.

RECOMMENDATION: Reauthorize and fully fund the Historic Preservation Fund and other preservation programs. Approve revisions to the Historic Tax Credit to improve its effectiveness and utility.

#### 4. Challenges, Opportunities and Priorities

The ACHP statement assessing the preservation program at 50 provides a helpful assessment of the tools and framework for preservation. We found the white paper to be informative and helpful overall, with certain issues resonating more strongly for our state and communities.

- Development and Other Pressures: in addition to the pressures enumerated (energy development and transmission, infrastructure, suburban sprawl, urban change and footprint reduction), we note that our urban centers are rapidly growing and changing. The issues are not only related to abandoned city centers as noted, but also to population growth and densification, especially in the older neighborhoods and business districts.

RECOMMENDATION: Integrate historic preservation issues in urban and community planning and development at the federal, state and local levels. Increase technical assistance, funding and accountability for preservation outcomes.

- Promoting Inclusiveness and Diversity: the need to address intangible heritage and non-traditional resources is important to Hawai'i. In addition to the native Hawaiian host culture, local communities also have a long history and genealogy related to immigrants from the United States, China, Japan, Okinawa, Portugal, Korea, Micronesia, Polynesia, Russia and many other countries. Both the distinct and intertwined histories of these peoples and the places they inhabit are important to our collective identities. We look forward to developing and using new tools to address culturally significant sites, and in increasing involvement of the community members who value them.
- Formal and Informal Education: We agree with the need to integrate preservation and heritage awareness into education systems to build better understanding of history and historic preservation, both as a general civic ethic and as a professional discipline.

RECOMMENDATION: Work with educational professionals and curriculum-development experts to develop sample curriculum and lessons plans to be available for education systems K-12 that comport with required educational goals and standards.

Thank you for the opportunity to provide input and comment to the national discourse about the next 50 years of historic preservation. We look forward to working with ACHP and other partners on improvements and implementation of heritage protection efforts.

Very truly yours,



Kiersten Faulkner, AICP  
Executive Director





**LANDMARKS  
ILLINOIS**

People saving places.

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June 17, 2016

Mr. Ron Anzalone, Director  
Office of Preservation Initiatives  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

*RE: The National Historic Preservation Program at 50: Challenges, Opportunities and Priorities*

Dear Mr. Anzalone:

Landmarks Illinois (LI) serves as the state's leading voice for historic preservation by promoting the reuse of buildings as a strategy for economic development and sustaining healthy communities, while expanding the public's understanding and stewardship of the built environment. LI deeply appreciates the efforts by the Advisory Council on Historic Preservation to comprehensively review the challenges, opportunities and priorities of the National Historic Preservation Program on the 50<sup>th</sup> anniversary of its enactment. We concur with much that is outlined in the **Challenges, Opportunities and Priorities** document, but are taking this opportunity to emphasize the most important issues that we see in Illinois and throughout the country.

These may be summarized as follows:

1. The “why” of preservation matters just as much as the “what” and the “how.” This is directly tied to the ACHP's identified opportunity for “Enhancing appreciation for heritage through formal and informal education.” We agree that the earlier the **why, what and how** are introduced into elementary students' curriculum, youth learning programs and vocational training, the more these issues will resonate and assist in developing public and political support. A more assertive and affirmative educational outreach effort needs to be made to counteract the broad lack of public understanding of what historic preservation is and can be to contemporary America and its diverse communities.
2. We heartily agree that the economic and environmental benefits of preservation are insufficiently measured and explained, even by those within our preservation community. As noted, this has meant that related public programs do not receive appropriate levels of legislative or public funding support. One unfortunate trend that continues in Illinois is the inability of preservation commissions to effectively do the work they are appointed to do, which often is under attack and undermined. We would like to see the ACHP support the efforts of organizations such as the National Association of Historic Preservation Commissions with education and training of historic preservation commissioners and those in municipal planning staffs. Training is greatly needed to supply them with the information they need to, in turn, educate citizens and public officials

about the economic and environmental benefits of historic preservation and the value of strong preservation ordinances. Additionally, we would like to see the ACHP produce quantitative and qualitative studies with message points and narratives, (what could be a useful follow-up to the achievements of Donovan Rypkema's *The Economics of Historic Preservation: A Community Leader's Guide*) to help all preservation advocates be better informed about the economic and environmental benefits of historic preservation.

3. **Infrastructure development and urban change and redevelopment.** In general, the potential conflicts and impacts on historic resources, which are the result of federal and state programs and funding, need to be addressed earlier and with more consistency by all state historic preservation offices and governmental agencies in these respective processes. Section 106 engagements often seem ineffective or arbitrary, depending on the agency responsible for the undertaking. As our government is faced with our nation's crumbling infrastructure, challenges for the preservation community will continue as it pertains to retaining historic bridges and roadways, while also addressing life-safety issues. As our legacy cities deal with population loss, the need to address large inventories of vacant, older building stock will continue to challenge urban planners, housing advocates and preservation professionals and advocates. We greatly appreciated the ACHP's *Managing Change: Preservation and Rightsizing in America* report and would like to see more studies like this, as well as the ACHP's recognition of efforts such as the Preservation Rightsizing Network's proposed *Action Agenda for Historic Preservation in Legacy Cities*.
4. **Reducing the federal footprint.** Changes in government priorities and the methods of delivering public services are leaving historic federal properties vacant and ripe for demolition, but also available for sale. An enhanced process for finding reuses for these properties should be established, as well as a database of successful models for the reuse of all public building-types, such as city halls, courthouses, armories and post offices to name a few.
5. In general, **historic preservation financial incentives**, including the Federal rehabilitation tax credits, should be made more useful for a wide range of preservation needs. Owners and developers of smaller, main street commercial buildings and difficult building-types, such as former religious structures, often cannot benefit from using the tax credit due to smaller project budgets or the restrictions of the Secretary of Interior Standards as applied to, for example, converting churches to residential or commercial use. Recommendations by the ACHP to the National Park Service regarding needed amendments to the tax credit program would help advocates and owners of historic buildings address these challenges.
6. **Improving preservation processes and systems.** The National Register of Historic Places is the backbone of the national historic preservation

program. Yet today, much of its criteria seem antiquated, especially in light of many points raised by the ACHP, particularly the need to promote inclusiveness and diversity. A resolution signed by members of the Partners Network of the National Trust for Historic Preservation was sent to the National Park Service in May outlining challenges and suggesting changes to the program. We hope the ACHP may review this resolution and help facilitate conversations to advance these recommendations.

7. **Enhancing leadership and expertise.** The national preservation program needs forceful and consistent leadership in the federal government to advance preservation as a national policy and priority. The continued lack of full funding for the Historic Preservation Fund demonstrates this need. We take issue with ACHP's assessment that there are insufficient numbers and types of qualified and experienced practitioners (in both public and private sectors) in the various preservation fields. We believe there is a significant pool of trained but untapped expertise available, and that succession planning is needed to better address incorporating these qualified and experienced practitioners into an aging workforce. In addition, support for the use of technology for survey work and community engagement, particularly digital databases and crowdsourcing, will help further public understanding and involvement in the profession.

We appreciate the opportunity to comment on the ACHP's *National Historic Preservation Program at 50* policy paper. We look forward to the final policy agenda put forth to the incoming administration and Congress.

Sincerely,



Bonnie McDonald  
President  
Landmarks Illinois

### Milton Historic Preservation Commission, Milton, Wisconsin

I spoke with the City of Milton, Wisconsin Historic Preservation Commission and they discussed the following items:

- Provide ADA Compliance Grant assistance to update buildings.
- Simplify the Historic Tax Credit application process to make it more feasible for small business owners to apply.
- Assist with the sale of historic buildings by building a network of realtors and / or buyers interested in historic properties. This could also be a real estate listing service for historic buildings – statewide or nationally.
- Provide training to real estate agents on selling historic homes.

Thank you for giving the commission to provide input. Let me know if there are any questions.

**Inga Cushman | Assistant to the City Administrator**

City of Milton | 710 S. Janesville St. | Milton, WI 53563

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### **Preservation Research/Educational Institutions**

#### Crow Canyon Archaeological Center, Cortez, Colorado

“The National Historic Preservation Program at 50” is a succinct, important, and useful review of the nation’s historic preservation program’s challenges, opportunities, and priorities as it moves into its next 50 years. Our comments below are based on our experiences with the archaeological component of historic preservation as archaeological researchers, educators, and administrators, and as collaborators with Native American communities on archaeological matters of mutual concern.

The current draft of the “Program at 50” report does a good job of covering a large range of issues. However, it seems to us that greater attention should be given to addressing some of the challenges, priorities, and opportunities associated with the archaeological record of our nation’s history. There are millions of archaeological sites in what is now the U.S., representing at least 14,000 years of human history. Furthermore, most archaeological sites lack standing structures or other obvious physical signals of what they represent in terms of lives lived in the past. They don’t readily “interpret themselves”. Scholarly research and traditional oral histories provide essential underpinnings for public understanding and appreciation of what the sites represent, but these will only be effective to the extent that they are adapted to on-site interpretation or to broader treatments of the significance of the

archaeological record of particular areas. Examples of the latter are popular books, media treatments, museum exhibits, videos, and programs of community recognition of local archaeology.

In other words, for most archaeological sites, the lofty goals of the National Historic Preservation Act often cannot be met by physical preservation alone. To some extent, this characterization also applies to standing historic structures, but it almost universally applies to archaeological sites. This presents both a challenge and an opportunity that should be noted in the “Program at 50” document. How can members of the public come to understand more about the archaeological sites that are being preserved so that these sites can enrich their lives as tangible connections to times past?

Another issue that often complicates archaeological preservation is that federal agencies tend to do Section 106 assessments at the site level rather than at the level of a population of sites in a locality or area. Many economic development projects that trigger Section 106 will potentially affect large numbers of sites, many if not most of which will be small. Individually, each of these may have little to offer in terms of archaeological information about past lives, and may not be individually recognized in traditional accounts of the history of the area. Taken together, however, a grouping of such sites usually has much to reveal about patterns of past land use, community organization, and human history in a given area through time.

The archaeological community in the US has been concerned about these issues for some time—first, how to link physical site preservation with greater understanding of what preserved sites represent, and second, how to move beyond the constrictions imposed by a one-site-at-a-time approach to evaluating and managing archaeological resources.

We are attaching two articles that define these issues and suggest some ways to deal with them. One is a chapter from a 2009 book titled “Cultural Resource Management and American Archaeology” (School for Advanced Research Press). This has suggestions for dealing with both the main issues noted above. The other attachment is a 2016 journal article by McManamon et al. that discusses managing archaeological resources at a landscape scale to increase the social and cultural value of the required costs and efforts. This article is from a special issue of the journal “Advances in Archaeological Practice” and is one of several articles reporting the recommendations of several Society for American Archaeology task forces on developing landscape-scale approaches to assessing and managing archaeological resources. We urge that some of the core recommendations in the two attached articles be taken into account in the final revision of the “Program at 50” report.

The “Program at 50” document recommends that historic preservation processes be redesigned to reduce complexity and elevate outcomes over process. A consistent theme in the attached articles is the need to emphasize broad public values as the goal of archaeological resource management, and to view procedures as the means to that end, rather than as ends in themselves. The reification of procedure is a serious problem in how federal agencies have applied the NHPA to archaeological resources. We hope that the final version of the “Program at 50” report will encourage federal agencies to work with the archaeological community to design archaeological programs that more effectively yield broad public benefits.

Thanks you for the opportunity to submit suggestions and comments.

Bill Lipe  
Professor Emeritus, Washington State University  
Member, Honorary Board, Preservation 50  
and



[Deborah Gangloff, Ph.D.](#)  
President & CEO

**CROW CANYON ARCHAEOLOGICAL CENTER—SUPPLEMENTARY MATERIAL (PUBLICATIONS) not attached—on file at ACHP**

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**Preservation and Related Educators**

Barbara Anderson, Associate Professor, College of Human Ecology, Kansas State University  
Manhattan, Kansas

Thank you for the opportunity to provide my input.

I devoted my work to historic preservation in the 1980s and 1990s. Now, I am an academic administrator in higher education. I do not have much time for research, but I study how to successfully educate people about climate change. What I believe about the current knowledge of those involved in the US preservation movement is that they are, for the most part, not aware of the significant and comprehensive impacts that climate change will bring to all human systems. This lack of knowledge causes a myopic perspective when they engage the issues of climate change and historic preservation. It is very important that the historic preservation movement in the US quickly learn much more about climate change and how it will impact natural environmental and human systems.

Our energy, food/water, housing/shelter, clothing, corrections, public safety, health care and education sectors will come into competition for funding as we struggle to pay the costs of adaptation and mitigation to climate change. Security expenses will continue to rise. As global temperatures rise, there will be major challenges for us as we attempt to address the environmental consequences of climate change and meet basic needs. Increasing numbers of the world's population will be migrating because of conflict and climate change. They will de-populate places with historic properties and challenge the places they move to as growth will come in waves.

How will historic preservation adapt to these changing public and personal priorities for use of scarce fiscal resources? Will we prioritize what we preserve and how we preserve it? Will we recognize the need to record and interpret things that might end up under rising oceans/seas? What will we do about historic properties that are impacted by major weather events (tornados, hurricanes, tsunamis), forest fires, freshwater flooding from torrential rains, and drought? Will we repair and rebuild them repeatedly? At what point will that expense be considered unwise?

What will we do about historic properties in areas that are de-populated as they become too arid or hot for human habitation? What about areas that are depopulated simply because they are not viable from an economic point of view because of climate change/energy costs/shifting priorities for spending.

What if challenges to fund adaptation and mitigation to climate change resulted in no public funding for historic preservation? What if there were no tax incentives to encourage private investment in historic properties? What if philanthropic donors decided helping to save lives was more important than preserving historic properties?

How will we use new technologies to record and interpret what we can't preserve? Could this solve some of the problems that would come if there was a reduction in heritage tourism because of energy conservation or shifting priorities for use of personal funds?

I have only seen technical preservation issues (coastal floods/rising seas, energy efficiency, adapting to solar power, etc.) in the preservation literature—nothing that explores the implications of climate change on the future of historic preservation in the fullest sense.

I suggest the historic preservation establishment in the US hold a roundtable with climate change experts and historic preservation professionals who are also experts on climate change. The purpose of the roundtable would be to develop a set of scenarios and responses for the future of historic preservation within the full spectrum of impacts from climate change. This would be a war-gaming approach to strategic planning so that there is a plan (or set of plans) that is (are) both factually based in the science of what we know about climate change and theoretically based in an understanding of why we preserve cultural resources.

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David Glassberg, Professor, Department of History, University of Massachusetts, Amherst, Massachusetts

I teach Public History at the University of Massachusetts Amherst. For the past 10 years I have been involved with developing the childhood home of W.E.B. Du Bois (1868-1963) in Great Barrington, MA into an international tourist destination. The property is a National Historic Landmark, and is the only place in the USA set aside to commemorate the life and legacy of the important African-American scholar and civil rights leader. We have used support from the University of Massachusetts Amherst (which houses the Du Bois Papers), the 1772 Foundation, and the National Trust for Historic Preservation to create an interpretive trail with seven wayside exhibits. But no financial support is available from the NPS through the NHL or program to support our activities. Relatively few historic sites in the USA merit NHL status, and it would encourage more public education and interpretation at those sites if a federal grant program existed to support these efforts.

In general, unless one is a commercial property owner eligible for investment tax credits, there are more disincentives than incentives for someone to list his or her property on the National Register of Historic Places or try for National Historic Landmark status. Private homeowners as well as commercial investors should be able to get a tax credit for preserving a National Register-certified historic property.

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William H. Tishler, FASLA, Emeritus Professor of Landscape Architecture, The University of Wisconsin-Madison, Wisconsin

I wish to comment on the future of the NTHP Program. I believe the program should even more fully embrace the significance of historic and cultural landscapes in the future. Some of our most significant historical treasures are actually landscapes, e.g., Central Park, and not just buildings, sites and districts. Doing so requires staffing more landscape architects, and encouraging states to recognize their significant designed and vernacular landscapes.

Thank you for allowing me to comment on this crucial component of our historic preservation efforts.

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Richard Wagner, AIA, Principal, David H. Gleason Associates, Inc., Director, Historic Preservation Program, Goucher College, Baltimore, Maryland

Thanks for sending this out to our speakers, readers. Etc. I hope you get a good response. Overall I think it captures the broad needs for the next 50 years. Three suggestions. One is that the word ‘listen’ needs to be inserted in various places (as in preservationists should “listen”). One of the reasons why general acceptance of preservation is still not been obtained, I suggest, is most of preservationists tend to want to “educate people” on why it is a worthy thing, rather than listen to what they think is important. While the concept of listening is implied in a number of places in the document, I think it would be strengthened if, at least in one or perhaps two places, the concept of preservationist “listening” to the public(s) was stated emphatically.

My second relates to the last “Additional Opportunities” section. While I agree that educating youth in HP and history is important I think we need to be innovative in how we do it. Given that STEM curriculum is likely to continue to rule K – 12, particularly with the economic and military growth of China, adding traditional history back into schools will be hard. NCPTT a number of years ago housed a Louisiana Education group that used STEM curriculum to teach history. For example, in a program related to Western Expansion, they asked school children to calculate the weight that two oxen could haul (water, food, furniture, etc.)-math; the volume that could fit in a Conestoga Wagon – geometry; how to find their way by the stars – astronomy, and so forth. I am sure Kirk Cordell could dig up the information on the project.

Also related to the same section is higher education, which was not addressed as well as I would have wished at the Forum. Unfortunately, the number of students enrolled in graduate programs is declining due to a number of reasons. A couple of programs have shut down in the past few years, and others are in danger due to declining enrollment and lack of funded research opportunities from traditional funding sources. I think preservation higher education must form partnerships (another key point of the document) with popular, well-funded (and research funding rich) disciplines such as environmental science (climate change), materials science (engineering), public policy, and the like. This means that fewer traditional students (read history oriented or architecture oriented) will graduate, which should have a positive effect on many of the other changes this document is rightfully calling for.

Hope this adds to the discussion in some small way.

Again, I would like to thank you, in particular, John and Kak for your support of the Forum. We are in the process of having the discussion sessions transcribed (hopefully available through NCPTT in raw form in June), and pulling together the book proposal.

Richard

Richard Wagner, AIA  
Principal  
David H Gleason Associates, Inc.  
520 North Eutaw Street  
Baltimore, MD 21201

Director and Professor  
MAHP Program  
Goucher College

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## **Individual Preservationists and Business Persons**

Lisa Craig, Chief of Historic Preservation, City of Annapolis, Maryland



In reviewing the 50th Anniversary Policy document I note the absence of a specific comment regarding the essential connection between the Federal/State/Local government entities who implement the NHPA. The two areas I think are essential for referencing this critical collaboration is under the Democratizing preservation and encouraging public engagement AND Furthering collaboration and partnership. Here is my example of why this has been essential and successful in Annapolis....

We have a locally designated historic district and a NHL district and a National Register District. The NHL is well protected through our local ordinance which overlays the NHL. The NR district is little known to the community and the designation matters little to the residents and business owners there because there is a lack of need for use of the Federal or State tax credit programs due to the high adjusted basis test. The smaller deal opportunities are good at the state level, but the focus of State programs continues to be the extremely complex process for survey, documentation and designation versus promotion of incentives and making the process easier for property owners to access and understand.

Where we have been greatly successful in Annapolis is partnering with Federal/State and Local agencies to address the issue of climate change and adaptation. We have had STRONG ties and personal engagement in educational and survey activities by staff of the National Park Service, the US Army Corp of Engineers and FEMA in our "Weather It Together" project at the local level. So far we estimate we've received appx. 250k of in-kind agency involvement in our work and have paid under cost/share contracts to date appx. \$58k. We likely will receive another 500k in cost/share benefit as we work with the USACE to develop a structural adaptation for our Historic District infrastructure.

I also believe it's critical to promote relationships between Federal agencies and the nonprofit sector as a means to ensure relevance of the Federal government programs to local communities. Both the National Trust for Historic Preservation and the Urban Land Institute have provided funding for public engagement programming to help Annapolis develop and implement our Weather It Together project focused on developing a Cultural Resource Hazard Mitigation Plan and Implementation Strategy to address tidal flooding and Sea Level Rise in our NHL District. US ICOMOS is also working with us to promote our program to other small communities worldwide as a way to engage community members in planning for climate change. That is a public/private collaboration that must be encouraged and proactively promoted as a way to assist local planning efforts.

Annapolis' collaborative relationship with the Federal/State and Local preservation and cultural resource divisions of all agencies along with our Federal nonprofit partners has resulted in an ongoing promotion of this model at state and national conferences as the future of sustainable / resilient historic communities.

In my community of Annapolis citizens now understand how Federal and State agency work is relevant to the protection of their properties, the reliable provision of city services in light of impacts of tidal flooding and Sea Level Rise and how businesses can ensure continuity of operations as the waters continue to rise.

I'd recommend the policy statement be strengthened to include clear language about the importance of local, state, federal government cooperation and encouraging collaboration between federal agencies and federal nonprofit entities in local communities.

Please let me know if I can be of any further assistance.

Lisa M. Craig  
Chief of Historic Preservation  
City of Annapolis

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John J. Cullinane, AIA, Historic Architect, SEARCH Training, Springfield, Virginia

Gentlemen: pursuant to your request, here are a few suggested changes to 106. These are made with the knowledge that Federal agencies comply because they have to, not because they want to, and in the process, use a lot of energy and time trying not to comply.

- A recognition by all federal agencies, including military, that the property for which they have jurisdiction may be a valued part of the history and culture of another individual or group;
- A program that conveys preservation policy down to the civil force of every federal agency, SHPO, THPO, and community development agency; not just the people at the top;
- A program that assists agencies in identification of resources and in defining their contributing elements, whether physical or social; and,
- A program that encourages agencies in identification of viable uses of those properties, even providing assistance in planning and design.

The ACHP's role is as much education as enforcement, and education starts at the agency.

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Catherine Dickson, Cultural Resources Protection Program, Confederated Tribes of the Umatilla Reservation, Pendleton, Oregon (*as individual, not on behalf of tribe*)

I think this was one of those questions that was too big for our program to handle unless it was specifically assigned to someone, which it wasn't. I was at a meeting with Reid and John last week and wrote a few ideas down. I realize they are late now, but figured I would still share since you specifically wanted some tribal feedback. Please consider this feedback from a tribal employee, but not an official response from the CTUIR.

- SHPO staff should include someone familiar with ethnography, oral history, properties of religious and cultural significance, etc.
- The Secretary of Interior's Standards should include properties of religious and cultural significance and qualifications for subject matter experts for this site type
- There should be real consideration of all four criteria before a formal DOE is made
- Rather than working to streamline systems, agencies should accept that 36CFR800 really isn't that complicated. I think they'd find if they followed the existing process (with help from SHPOs and ACHP) their timelines would speed up because there would be fewer questions about what the project is, what the APE is, etc.
- Expand the coverage of Section 8101 of the 2008 Farm bill regarding access to lands, reburial authority and confidentiality of traditional use information to include the Department of the Interior. Not directly NHPA related, but pretty close.

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

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Qamarah Green, Student, Harcum College, Bryn Mawr, Pennsylvania

Being a Philadelphia resident, I am looking to design a webpage improving Local search of the Philadelphia Area. Mission is to preserve a decade of history especially that of the 21st Century. A data base that sections the architecture of Philadelphia expanding to the outer cities. and all of Pennsylvania. Available geographical sets will include major information on areas built between the years 1800 to 1940. I am looking to use a geospatial analysis, PhillyHistory.org, and information from record group 35. is there any available grants to assist with furthering my research. Access to vital records is unavailable. Such as records held by the city planning commission, city archives and general records of the alms house.

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Phillip Jewell, Chief Operating Officer, Blue Hat Coffee / Gallery, Coldwater, Michigan

As an individual that has spent a great deal of time preserving an historical building, I would like to give you my take on historic preservation in the U.S.

Historic preservation is not for wimps. Individuals who wish to restore significant historic buildings for use as businesses or residences must remember one thing. You're on your own!

We restored the 1850's Abram C. Fisk home in Coldwater, Michigan. Blue Hat Coffee Gallery currently resides in this magnificent Italianate structure. This successful restoration and business start-up required vision and six years of hard work. It also required the tenacity to overcome a city government that provided numerous roadblocks.

During the process of restoration, we discovered that U.S. and state support for historic preservation is a myth. The U.S. and state historic preservation programs are designed to support cities, states, other government agencies, and large corporations that have endless supplies of cash. 501(c)(3) non-profit organizations can also benefit from grants, donations, and tax credits. Individuals, however, are shunned.

As a result of this bias favoring government entities, cities have little desire to support historic preservation. Cities receive no money for individually restored historic buildings. Often, their preference is that the historically significant buildings be razed to make room for projects that support a higher tax base.

During the restoration process, we received numerous recommendations that we apply for tax credits. Research on that subject revealed that the tax credit system is laughably

inadequate. We learned that historic preservation tax credits provide little or no value to individual historic preservationists who are attempting to preserve cash. It provides tremendous benefits to governments, non-profit organizations, and large corporations that care little about cash preservation (the money is not earned, but provided by taxpayers, corporate trusts and donors), but love the tax benefits that they receive.

The Secretary's Standards of Rehabilitation and IRS requirements for tax credits fail to support historic preservation unless you are a government entity or a group. The tax credit documentation is a lesson in obfuscation. Once reviewed, it becomes very clear that unless you are willing to spend large amounts of cash for your restoration, there is little benefit. When the calculations are made to determine tax benefits, the results are laughable. You must spend so much money to benefit, that the tax credits are basically worthless. The time and effort required to document the restoration effort make the benefits worthless, unless, of course, you are the member of a government entity or other group where the cost of documentation is paid for by someone else.

Another thing that is interesting is that buildings that are registered with the National Park Service as an historic place and with the State as an historic place receive no protection. When we went to the City of Coldwater, Michigan to get a demolition permit for this beautiful home, we were told "That will be \$15.00." Since we are not part of a city historic district, the city has no control, and, indeed, no interest.

Historic preservation by an individual is not for the faint of heart. Historic preservation is failing in the U.S. for one reason. It is targeted at groups, not individuals.

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Lynn Scott Paden, AIA, Citadel DCA, Washington, DC

Good morning. I have a last minute comment for your consideration for the "The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities" document on your web site.

As a preservationist for the past 30 years, my chief concern about the manner in which we perform our work is that too many organizations chase the problems, we never seem to be in front. Early identification of properties and sites at risk, be it from development or neglect, is critical to effectively stemming the tide. If we continue to be reactionary, we will lose far more battles than can be won. How is this accomplished? I believe you pair it with education by building a data base of all historic properties within a community, location, ownership, condition etc. and begin to map critical areas, identify urgent sites, track development pressures and work with stakeholders to find solutions before the 11<sup>th</sup> hour. If this is done in partnership with schools and colleges it can be part of a deeper educational initiative that will pay dividends decades from now.

I trust this may be of some value to you for this document or in future endeavours.



**CITADEL DCA** historic preservation | architecture | planning | design

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John Renaud, State, Tribal, and Local Plans and Grants, National Park Service, Washington, DC (as individual, not on behalf of NPS)

As promised, here are some of my ideas about policy recommendations and strategies for historic preservation in the next fifty years.

1. A significant part of the last fifty years has been the growth of a commitment to historic preservation at all levels of government -- Federal, State, Tribal, and local. These programs all connect with each other. Ideas for improvement can't be focused on any one level of government. We need to be aware of the ripple effect of any changes on everyone.

Neither the authorization level nor the appropriation level for the Historic Preservation Fund (HPF) have kept up with the growth of the programs that it was designed to support. Until the lapse last year of the authority to do so, for every year since 1979 \$150,000,000 was covered into the Historic Preservation Fund. 1979 was before there was a single Certified Local Government (CLG) and before there was a single Tribal Historic Preservation Officer (THPO). Even at that time, my understanding is that the authorized level for the HPF was not based upon the dollars needed to accomplish HPF functions but rather upon a ratio with the Land and Water Conservation Fund. Also there has been no change in the authorization level to reflect inflation.

RECOMMENDATION: Propose increasing the authorization level to reflect the increased level of partner participation and the impact of inflation on operational costs. After adjusting for inflation, it would be easy enough to estimate a new authorization based upon a reasonable amount of dollars authorized per eligible partner.

RECOMMENDATION: Increase the appropriation proposal for States to a level that would result in the mandated pass-through to CLGs equaling at least \$10,000 per eligible CLG.

RECOMMENDATION: Increase appropriation proposal for THPOs to equal at least \$350,000 per eligible THPO.

RECOMMENDATION: Adjust the non-CLG portion of HPF appropriation proposal for States to adjust for inflation since 1983 and increased THPO responsibilities.

RECOMMENDATION: Increase funding and staffing for the administration of the State, Tribal, CLG, and grant programs.

RECOMMENDATION: Once appropriation proposals have caught up, index them roughly to inflation, increasing number of partners, and increasing Federal requirements.

In my opinion, failure to ask for increases in authorization and appropriations will be taken by uninformed funding decision-makers as an indication that current levels of authorization and appropriation are sufficient to carry out the NHPA's missions. That would be an understandable but

incorrect assessment. Failure to ask for increases makes it difficult to get increases.

2. We need to continue the recent trend to plan for disasters, climate change, etc. instead of just reacting to those problems.

RECOMMENDATION: Resurrect the old "Secretary's Discretionary Fund" to allow for bridge funding between the time when the disaster happens and Congress can make a supplementary appropriation. Discretionary funds for wildfires are appropriated now. Why not do something similar for historic preservation? Every year, we know that there will be a need for historic preservation-related disaster funding; we just don't know where or when. Why not plan for that need?

3. RECOMMENDATION: Amend the tribal sections of the National Historic Preservation Act so that the tribal program and funding language does not appear derivative from the State programs as it does now. It is essential that historic preservation law demonstrate proper respect to our Tribal partners.

RECOMMENDATION: Similarly, native Alaskan groups are not allowed to become THPOs because of the current eligibility prerequisite for Tribal Trust lands. This situation needs to change.

4. America always has been and will continue to be a very mobile society. As a consequence, many people have no traditional connection to the communities in which they live and no memory of their connection to places where they have a tradition.

RECOMMENDATION: Historic Preservation education needs to be developed/targeted to bridge these gaps. We need to be able to answer the following kinds of questions. I just moved here. Why should I care about this place's history/heritage? They weren't my people. How can I find out about the places where my family does have a history? I think that we need to do a much better job in connecting genealogy and historic preservation.

5. We must be careful of trying to be all things to all people. Historic preservation has always been place-oriented. We need to maintain that connection.

RECOMMENDATION: History, traditions, customs, etc. that are not connected to place are still vitally important to understanding our heritage; they just shouldn't be grafted onto historic preservation. They should have their own programs.

6. RECOMMENDATION: Disconnect the automatic link between designation and protection of historic properties. They should be separate but related decisions. A property is either historic or it's not. What to do about it is a separate decision. I am afraid that too many significance decisions are being influenced by the consequences of designation rather than being based solely on qualities that are inherent in/to the property.

7. RECOMMENDATION: There is an old phrase -- "Let's put the history back into historic preservation." I think that there is still a need to do that. Most folks still think about historic preservation as being all about architecture. This was exacerbated in the creation of Title 54 of the US Code. Instead of saying "historic and prehistoric resources" the Act now only refers to "Historic Property". Most readers would not understand that "historic property" includes archeological sites. This is another area where we have a lot of education work that needs to be done.  
RECOMMENDATION: Amend Title 54 to replace "history property" with "historic and prehistoric properties" where appropriate.

8. Consistency of results has always been and will continue to be a challenge. It is bad when a property owner gets different results at the local, State, and Federal levels. Constant monitoring and education is a must.

RECOMMENDATION: Institute an educational and monitoring system to measure and improve consistency in approach when applying the various sets of the Secretary's Standards.

9. I agree that we need to be able to explain that "the "why" of preservation" matters just as much as the "what" and the "how."

10. I strongly disagree that we ought "to elevate outcomes over process." Either concept without the other would doom the historic preservation movement. Without appropriately-designed and administered process, similarly-situated properties and people would not get similar results. Furthermore, legally-binding decisions made without appropriate and widely understood processes would raise serious procedural due process issues which in turn would mire historic preservation in costly court battles. If a process is not producing the desired results, the answer is not to eliminate all process. Rather, there should be an examination of the process and how it is administered. For historic preservation to work as a movement with credibility, desired results cannot be whatever anyone want to do. There must be agreed-upon criteria to assess the success of historic preservation or any other program/movement.

The opinions expressed here are my own and do not necessarily reflect the views of the State, Tribal, and Local Plan's and Grants Program or the National Park Service.

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Erwin Roemer, Registered Professional Archaeologist *(as individual, not on behalf of employer)*

High-level senior leaders, key decision-makers, and in some instances even designated Federal Preservation Officers across many federal agencies can be surprisingly poorly informed or simply ignorant on critical aspects of NHPA including basics of Sec. 106 federal planning process. Some form of on-line "executive level" training (or web-based summary Playbook-for-Executives) on basics of NHPA policy/process targeting these leaders would be beneficial. Also, the ACHP should strive to develop at least aperiodic offerings of in-person executive summary type briefings to such top level audiences of federal agency leaders and decision-makers. Despite the IT revolution nothing substitutes for a live person interacting with, here, a very elite audience. The sad fact is that after 50 years of NHPA many of the top leaders across a number of federal agencies only have minimal, and often inaccurate, understandings on the essential policy and function of NHPA including Sec. 106. For example VIP senior leaders of federal agencies may have some idea of Sec. 106 process, yet in informal discussions will offer that they know "It's all about gaining SHPO approval...". When asked about the ACHP's role it is not that rare to hear "Not sure ... err ... who is that? ... I thought only SHPOs are what we need to worry about.." and such. When such a person is the actual decision-maker for example signing a ROD for an EIS on some large, complex federal undertaking, this lack of understanding on NHPA can make a tremendous difference in the fate of historic properties. The response to this concern often is that the highest leadership of a federal agency relies on those mid-to-near-high level senior staff such as Deputy FPOs and various historic preservation experts, Project Managers and agency legal experts. But it would be optimal if the actual decision-makers "at the top" have meaningful understanding of the NHPA basics because (1) our nation is losing, due to aging, the inaugural generation of senior specialists in NHPA-oriented historic preservation, and (2) such old timers plus their less experienced (and often less effective) replacements' input to the high-level decision-makers should

be productively questioned if not guided by those top leaders: how can top leadership at federal agencies "ask the right questions, to make the best decisions" if they are blissfully ignorant on key aspects of NHPA Sec. 106?

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Jana Shafagoj, Director of Preservation and Education, Morven Park, Leesburg, Virginia

I understand that the ACHP is looking for specific suggestions for policy recommendations and implementing strategies to shape the future of the national historic preservation forum. From 2013 – 2015, the Morven Park Preservation Forum held numerous gatherings of preservation and allied field professionals brought together to discuss the future of preservation and how to ensure preservation remains relevant in our 21<sup>st</sup> century communities. Very early on the steering committee determined that we could not assess our tools and methodologies, or come up with solutions to issues currently facing preservation, until we could answer the *why* question. Why do we practice preservation?

The Morven Park Preservation Forum's answer to the why preserve question is attached. As directed by the steering committee, the Forum focused on identifying the core values that have, or should, guide preservation. After that was completed, the Forum spent numerous meetings trying to develop a mission statement for preservation to answer the question of why preserve. The statement, which is in the [attached] document, is:

***Preservation actively manages the continual evolution of tangible heritage in order to safeguard each resource's unique ability to provoke memory, convey stories, strengthen communities, elicit curiosity and inspire creativity within every individual.***

Or, in short, to manage the tangible connection to the intangible.

This statement is being shared with the preservation community and with those outside the field to encourage further conversations. And to encourage everyone to think about how preservation is currently practiced and how we can improve our tools and methodologies. If we can agree on why we all think preservation matters, then we can all agree on where we are going. We are not preserving to save the environment or to improve the economy, those are just additional benefits we bring to the table.

This statement also opens the door to re-evaluating the usefulness of the 50 year eligibility rule and the role of integrity versus authenticity. If we rework some of these barriers to recognition, we open the door to identifying resources important to our diverse communities and provide more flexibility to their evolution and continued use.

One other area that I would like to comment on is education. There is a revolution happening within the field of education as teachers and districts are trying to move away from the standardized testing and more toward the 21<sup>st</sup> century skills of problem investigation, collaboration, critical thinking and creative problem-solving using real world issues. STEM (integration of science, technology, engineering, and math) continues to be a buzz word in the education community even though no one has figured out how to successfully implement it into today's public school classrooms. Our field has a lot that can be offered in the current education environment, but we have to



approach it with the view of what the teachers are looking for, not what our own goals may be. We need to work with the schools to develop curriculum around understanding the built environment, historic and modern, and ensure the curriculum fulfills STEM requirements and meets 21<sup>st</sup> century learner initiatives. We have a wide array of topics such as structural stability, spatial analysis, creation & transportation of building materials, conservation science, etc. To do this effectively, we must be willing to teach how to understand spatial divisions in a 18<sup>th</sup> century house and a 20<sup>th</sup> century subdivision residence. The story does not stop at the 50 year mark, it continues to today and we must use all of it to meet the needs of today's education community. We must understand what each state is looking for and then show how the solution can be presented within this area of study, rather than try to convince them to take on another area of study.

I look forward to hearing what others have suggested. It is a very exciting time for preservation.

### **PRESERVATION MISSION STATEMENT**

**Preservation actively manages the continual evolution of our tangible heritage in order to safeguard each resource's unique ability to provoke memory, convey stories, strengthen communities, elicit curiosity and inspire creativity within every individual.**

In doing so, preservation is guided by the following values:

#### ***Identity –***

Preservation of natural and cultural heritage empowers people to recognize and expand their sense of self, community and nation.

#### ***Responsibility –***

Preservation expresses a collective responsibility for our shared environment that understands the value of the past, acknowledges the needs of the present and anticipates the future.

#### ***Inclusiveness –***

Preservation recognizes the broad spectrum of cultures, experiences, and stories that are embodied within our communities and strives to identify, document, safeguard and share them.

#### ***Civic Engagement –***

Community, collaboration, innovation, advocacy, education, individual and collective action must support and guide the protection of our shared and cultural heritage. Preservation is most successful when resulting from, and supported by, an engaged and informed citizenry.

Sean Suder, Graydon Land Use Strategies, Cincinnati, Ohio

I would suggest taking a fresh look at the Secretary's standards to eliminate the age requirement for eligibility. Since it is the only truly objective standard, the 50 year standard is often misapplied, which results in both over and under inclusion. Although an objective standard, it seems arbitrary to me.

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Brenda W. Williams, ASLA, Senior Associate, Quinn Evans Architects, Ann Arbor, Michigan

Thank you for the opportunity to comment on this statement. It is timely and clearly identifies some key areas of concern. I have a few suggestions for you to consider as you move forward:

Page 1 – second paragraph – “Acknowledging this landscape...” : The use of the word landscape here may be confusing and shift attention from landscapes as important resources to be protected. Suggest using a different word, perhaps “situation, condition,” something along those lines.

Although it may be implied in the section addressing Improving preservation processes and systems, I think a more direct statement regarding the problems related to nomination of cultural landscapes to the national register would be worthwhile. The NR and NHL format creates much confusion for states evaluating nominations for landscapes, particularly in how to count resources and fully document contributing features and aspects of significant landscapes.

Related to respecting the cultures... of indigenous peoples, this addresses process, but may be extended to address intangible and broad scale resources that are not readily evaluated using current standards.

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Joseph W. Zarzynski, Register of Professional Archaeologists, Independent Scholar, Wilton, New York

I have reviewed "The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities" and have some comments and suggestions for implementing this policy document. I appreciate the opportunity to offer this commentary.

First, I realize the document addresses historic preservation in general and broad terms, but as an underwater/maritime archaeologist I was struck that there was no mention in

the text using the words-maritime, nautical, or shipwreck. The United States is certainly a maritime nation with its vast expanse of marine and freshwater coastlines and waterways. However, recognition of this maritime cultural heritage and landscape is sometimes lacking in historic preservation planning. For example, there is a paltry number of maritime-related "properties" listed on the National Register of Historic Places (NR). Well under 1% of the 90,000 properties on the NR are shipwrecks and there are also few historic submerged waterfront structures (docks, wharves, piers, and quays) on the register. I would think making this one of the priorities for the NR program would help to address that small number of shipwrecks and other submerged cultural resources that are currently listed.

Second, based upon personal observation, I believe many federal, state, and NGO committees are established without a maritime community representative. I would recommend that there be some [type] of representation from an underwater/maritime archaeologist, a maritime historian, or someone from a related field whenever possible and pertinent.

Third, support and funding for NOAA to continue adding new marine sanctuaries to its administration and program.

Finally, a continuation and an increase in funding for the Maritime Heritage Education and Historic Preservation grants program ("National Park Service Awards \$2.58 Million in Matching Grants for Maritime Heritage Education and Preservation Projects in 19 States"; 2016 grant recipients) is another way to advance the "maritime voice" in historic preservation.

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